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March 1, 2000

To: Coastal Commissioners and Interested Persons

From: Peter Douglas, Executive Director
Tami Grove, Central Coast Deputy Director

Subject: Proposed City of Watsonville Local Coastal Program Major Amendment Number 1-99. For public hearing and Coastal Commission action at its meeting of March 16, 2000 to be held at the Carmel Mission Inn at 3665 Rio Road in the City of Carmel-by-the-Sea.

Staff Note

Due to the high visibility and controversial nature of this LCP amendment, the complexity of the land use issues raised, and the broader social and educational implications associated with this matter, this staff note is provided to add perspective to the staff's recommendation.

Staff obviously recognizes the great need for an additional high school to serve a growing student population currently housed in overcrowded facilities. Additionally, staff strongly acknowledges and is keenly aware of the importance to the affected student population, the community, our society and the environmental future wellbeing of the state, the nation and the planet of a strong, comprehensive secondary educational program offered in facilities that are conducive to and supportive of a stimulating and enriching learning experience. So questions of need for another high school and the vital importance of education are not at issue in these deliberations. They are an obvious given.

Indeed, it is in recognition of the need for another high school and the importance of education that the staff has gone to extraordinary lengths to work with school district and City of Watsonville officials, to exercise discretion, and to be as flexible as possible to craft recommendations that accommodate both the needs of the district and meet Coastal Act requirements. Unfortunately, the site selected for the new high school is subject to severe constraints including public safety (nearby airport), environmentally sensitive habitat, urban expansion, agricultural lands, and infrastructure. Since 1993, Commission staff has made clear that this site was seriously problematic, and has maintained that alternative sites were superior from the perspective of Coastal Act considerations. Nonetheless, the staff does not now challenge the PVUSD's selection of the proposed site for the new high school in this staff report. The fact is, the proposed site was selected and is the subject of the proposed LCP amendment and must be evaluated and addressed in the context of land use requirements of law.

It is the Commission's staff responsibility to make the best professional judgement it can applying the law (i.e., Coastal Act) to the facts. Staff has been as flexible and accommodating in this matter as possible. It is now up to the Commission to consider all the evidence and to make the policy judgements it deems appropriate under the circumstances.

Finally, staff wishes to express sincere appreciation to all the interested parties who have worked with staff in a professional and constructive manner notwithstanding the often emotional and political nature of some of the issues raised. While some disagreements remain, the fact the parties have agreed to disagree in a mutually respectful and professional way is commendable and is certainly the way staff intends to continue to carry out its duties and responsibilities under the law.

Executive Summary

The City of Watsonville is proposing changes to its certified Local Coastal Program (LCP) to facilitate the construction of a new, 2,200 student high school for the Pajaro Valley Unified School District. Although within the City limits, the proposed school site lies west of Highway One in a rural area; the site is composed exclusively of agricultural fields, wetlands, and environmentally sensitive habitat. In recognition of these significant resource constraints, the current certified LCP limits non-agricultural development on the site to 10% total impervious surface, prohibits development on slopes over 15%, and identifies wetlands and sensitive upland habitat constraints. Non-agricultural development is also a *conditional* use, limited to large lot residential (approximately 20 homes) and non-nuisance light industrial, that is allowable only if agriculture is shown to be infeasible, and if consistent with other performance standards.

To allow for the proposed public school use, the City is proposing to modify performance standards for site development, including allowing up to 50% impervious coverage and development on slopes up to 25%, and redelineating the extent of Hanson Slough and the West Branch of Struve Slough and associated upland habitat. As discussed below, staff recommends that the LCP amendment be denied as submitted because it is inconsistent with Coastal Act policies related to growth inducement west of Highway One and the destabilization of this urban-rural boundary; conversion of prime agricultural lands; impacts to sensitive wetlands and upland habitat in the Slough system; hazards and public safety; and protection of sensitive visual resources. Overall, though, **staff is recommending that the Commission APPROVE the LCP Amendment to facilitate the High School if it is modified to address Coastal Act requirements.** Modifications include provisions to: provide for a stable urban-rural boundary, including limitations on future utility extensions on to County agricultural lands; redelineate ESHA in Area C to protect wetlands and associated sensitive habitat; setback future development to protect wetlands, habitat, visual resources, and minimize landform alteration; provide agricultural buffers; and ensure public safety associated with the nearby airport. As discussed in detail in these findings, as modified, the LCP amendment would provide a future school development envelope of approximately 42 acres[1], provided other potential site limitations can be adequately addressed.

[1] All acreage calculations for the subject site are based digitized data geo-referenced to a photo mosaic of known projection. Although internally consistent, calculations are subject to error. They do not necessarily conform to other acreages or representations in the City of Watsonville submittal and EIR. Total site acreage is approximately 10% greater than that cited in these documents and on the County GIS system. Resultant intensity and development calculations are all based on this report's acreage calculations. Other acreage citations in this report are based on GIS data provided by the County of Santa Cruz.

Description of Proposed Amendment

The City of Watsonville is proposing changes to its certified Local Coastal Program for an area west of Highway One known as "Area C." The 139 acre Area C site is composed exclusively of agricultural fields and wetlands in a rural, agricultural area. It is, however, at the edge of Watsonville within the City limits; it is one of the three locations where the City's boundary crosses Highway One (approximately 7.5% of the City is east of Highway One). The City has had long-standing plans to urbanize the site. However, because the Coastal Act applies to the area, the certified LCP shows continued agricultural uses, with the possibility of very limited residential or light industrial use. Nevertheless, the City participated with the Pajaro Valley Unified School District (PVUSD) and others in selecting this site for development of a needed new high school. Thus, the City is requesting approval of all of the following changes to their certified local coastal program (both land use plan and zoning) to allow the site to be urbanized and to accommodate the proposed high school:

- Designate approximately 76 acres of the roughly 139 acre Area C site as "Area F";
- Increase from 10% to 50% the allowable impervious surface coverage on proposed Area F;
- Add areas from 15% slope to 25% slope as lands that can be developed on proposed Area F;
- Decrease by approximately 10 acres (or by three-quarters) the area delineated as environmentally sensitive habitat area (ESHA) on Area F;
- Allow development on environmentally sensitive habitat areas that are less than 0.1 acre in size on proposed Area F;
- Add public schools as a conditional use on proposed Area F; and
- Modify required findings that allow for agricultural conversion.

Staff Recommendation

This staff recommendation is in four parts. The first two parts recommend denial of the proposed amendment as submitted. The second two parts suggest a series of modifications to the amendment to allow it to be approved for the limited purpose of facilitating a new public school.

Parts 1 & 2: Denial as Submitted

The proposed Land Use Plan and Implementation Plan Amendments must be denied as submitted because they do not conform to the California Coastal Act. The proposed amendment would result in intensified development of a site in Southern Santa Cruz County that is composed solely of agricultural land and wetlands and related upland habitat. These two types of coastal land are both afforded a high level of protection under the Coastal Act. The site in question is also very scenic, presenting a pastoral, undeveloped landscape when viewed from Highway One, Harkins Slough Road, Lee Road, and beyond. Such visual resources are also protected under the Coastal Act. The proposed amendment would increase the allowable impervious surface coverage on proposed Area F by over 300%, allow development on

roughly 15 additional acres of steep slopes, allow fill of wetland and related upland habitat areas, and would allow for the development of a major public high school facility (currently planned by PVUSD for over 200,000 square feet, approximately 4 acres of building coverage and 14 acres of other impervious coverage, including an 800 space parking lot) in a coastal zone area heretofore occupied by low-intensity rural uses.

More specifically, the proposed amendment to intensify use of the site can not be approved for the following reasons:

- It places an urban level use in a rural area where it will also have adverse resource impacts, which is inconsistent with Coastal Act Section 30250.
- It fails to uphold the current urban-rural boundary and provides no significant measures to reestablish a new stable urban-rural boundary. Instead, through the lack of constraints placed on services and roads, the amendment provides significant growth incentives for and thus a likelihood that there will be future growth in what is now a rural area, inconsistent with Section 30254.
- It does not maximize prime agricultural land preservation but rather, results in a reduction of prime agricultural land inconsistent with Coastal Act Section 30241.
- It does not minimize conflicts between agricultural and urban land uses and fails to satisfy any of the five specific criteria for doing so under Coastal Act Section 30241.
- It does not recognize the extent of the habitat on site; rather it reduces what the City itself had previously delineated as habitat based on inadequate evidence. This reduction allows for some of this habitat to be developed with uses that are not allowed by Sections 30233 or 30240; other habitat will likely have to be developed for improvements to the site, thus leading to an inconsistency with these Coastal Act policies.
- It contains inadequate buffers or criteria for development to prevent adverse impacts on the remaining habitat from the increased noise, activity and runoff associated with the more intensive development that it allows. This is inconsistent with Coastal Act Sections 30231, 30233, and 30240.
- It is not designed to protect views to the coast and scenic areas as required by Coastal Act Section 30251. Rather, it greatly lessens the protections built into the current LCP by virtue of the more intensive development that it will allow.
- It does not minimize alteration of natural land forms, as also required by Section 30251. The more intensive development and the loosening of the slope building restrictions will potentially result in greater landform alteration.
- It will not result in a design including external non-structural treatments that is visually compatible with the character of the surrounding rural agricultural area, as also required by Section 30251. Rather, it will result in the introduction of an intensive, urban element into this rural agricultural landscape.
- It does not address hazardous conditions as required by Coastal Act Sections 30250 and 30253

If the Coastal Commission limits its action to a denial of the proposed amendment as submitted, then the

currently certified policies remain effective. These policies most likely would assure continued agricultural use of the land and maintenance of the existing habitat. If agricultural uses are no longer feasible, there is some potential for limited residential, recreational, or light industrial use (no more than 10% impervious site coverage, ESHA excluded, on the gently sloping upper plateau of the site).

Parts 3 & 4: Approval Only If Modified (Both Land Use Plan & Implementation Plan Amendments)

Although Commission staff has expressed its serious concerns with the proposed high school at the Harkins Slough Road site since at least 1993, the School District and the City have nonetheless identified the site as the only viable location for the much needed third District High School and brought forward the LCP amendment. The Coastal Commission does have the authority to suggest modifications to the proposed amendment that the City of Watsonville may then choose to adopt. Staff has prepared a second recommendation that consists of a series of modifications that the Coastal Commission can suggest to the City that would allow a public high school to be built on the subject site consistent with Coastal Act requirements. These criteria would not allow the exact development design that the District has already commissioned, but would allow for a high school of at least 2000 students, and possibly the full 2,200 students if certain design adjustments are made (e.g., minimizing onsite parking). The Table below compares the developable area and impervious surface coverages allowed under the current LCP, the proposed amendment, and the suggested modifications to the LCP amendment.

Comparison of Development Scenarios on Area C[2]

	Maximum Developable Area (acres)	**Maximum Impervious Coverage (acres)**
Current LCP	63	10
Proposed LCP Amendment	86	40
Suggested Modifications applied to Public School	42	18
Suggested Modifications applied to all other development	8	7

If the Commission adopts the suggested modifications and the City accepts them, then the District could apply to the City for a coastal development permit for a high school that meets these criteria. With respect to the school site, these suggested criteria include:

- Setting back the school facilities to protect adjacent agricultural uses and environmentally sensitive slough habitat, including redelineation of the ESHA on Area C, as well as to protect visual resources and minimize natural landform alteration;
- Requiring restoration of wetland upland habitat areas;

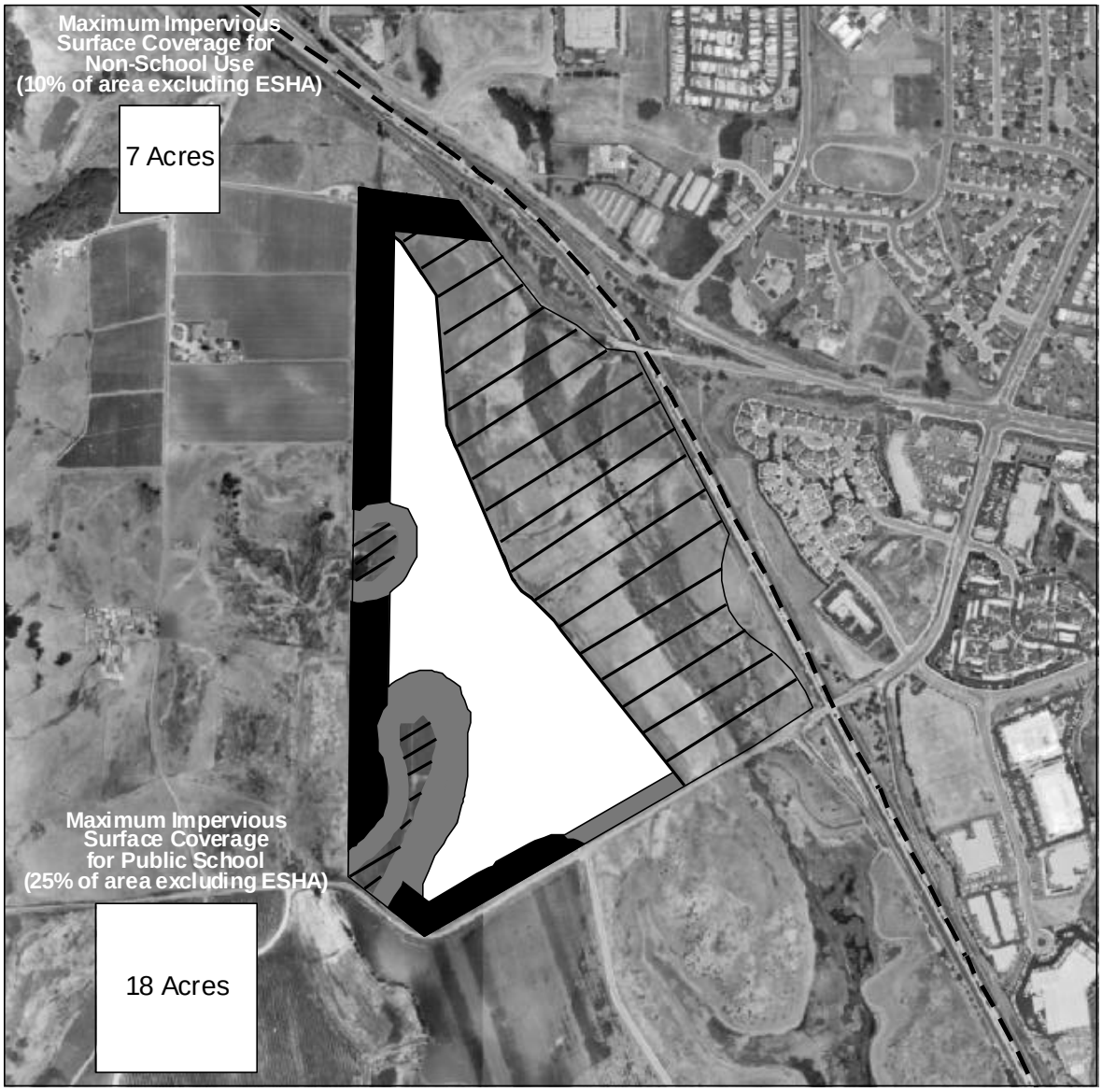
[2] The "proposed" category includes the total of proposed Area F plus the remainder of Area C. In each case, the maximum "developable area" requires all other plan polices to be met. For example, under current LCP policies, Area C could only develop with non-agricultural, non-ESHAs uses if continued agricultural use were demonstrated to be infeasible.

- Employing various practices and designs to prevent pollutants from running off of the school site into the wetlands;
- Limiting lighting to avoid disturbance of the species who frequent the wetlands;
- Accessing the school from either a bridge on Harkins Slough Road or from West Airport Boulevard to avoid filling West Branch Struve Slough and/or Hanson Slough wetlands;
- Servicing the school with water and sewer lines from one common point under Highway One to prevent growth inducement west of Highway One;
- Placing a Utility Prohibition Overlay District around the perimeter of the City coastal zone lands west of Highway One to address growth inducement;
- Designing the road and utilities so that they end into the school and do not stub out beyond; this will also discourage additional growth in the area;
- Securing approval from the Division of Aeronautics that the school site is safe in light of its proximity to the City of Watsonville Airport;
- Designing the school facilities to be compatible with the character of the surrounding rolling hill landscape;

These criteria will need to be supplemented by various legal procedures and mechanisms, such as zoning map changes, a binding resolution, easement provisions, and right-to-farm and hold harmless guarantees that the City of Watsonville will have to implement. The purposes of this package are two-fold: to ensure that the school is built in an environmentally sensitive manner, and to ensure that the building of the school and its attendant facilities (e.g., improved road, sewer extension, water extension) does not lead to further intensified development in this rural, agricultural area and significant wetland ecosystem. The overall effect of the resource constraints at the Harkins Slough site on the potential developable area of Area C is shown in Figure 1.

Staff Report Contents

Figure 1: Recommended Area C Development Envelope



ESHA[r]
ESHA Buffer
Agricultural Setback
Recommended Development Envelope
Farm Road
Coastal Zone Boundary

N
500 0 500
Feet

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

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[r] ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

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List of Tables

List of Figures

Exhibits

Findings and Declarations

The Commission find and declares as follows:

1. Watsonville LCP Background

The Coastal Act requires local governments with land in the coastal zone to prepare, and submit to the Coastal Commission for certification, a local coastal program (LCP) governing development in the coastal zone. LCPs consist of: (1) a land use plan designating the types, locations, and intensity of uses; and (2) an implementation plan that is adequate to carry out the land use plan requirements. Some jurisdictions modified their General Plans to conform to these Coastal Act requirements; others, like the City of Watsonville, simply prepared new documents covering their coastal zones. As such, when the City subsequently adopted a new General Plan in 1994, it referenced the provisions of the Local Coastal Program as applying to the City's coastal zone.

A. Watsonville Coastal Zone Location

The Watsonville coastal zone is located in the rolling hills just outside of the lower Pajaro Valley in south Santa Cruz County. The Pajaro Valley is in the agricultural center of Santa Cruz County. Favorable climate, combined with some of the most fertile soils in the State, make this an extremely productive agricultural region. Agriculture is the principle base of the local economy, although tourism (and particularly eco-tourism) are making inroads in this area. Agricultural lands extend the three miles west of the City of Watsonville to the Monterey Bay with only a few enclaves of other development (e.g., Pajaro Dunes and Sunset Beach, which are non-contiguous oceanfront second home developments) represent the only non-agricultural urban land uses west of the City of Watsonville. See Figure 2 (Vicinity Map) and Figure 11 (Agricultural Lands).

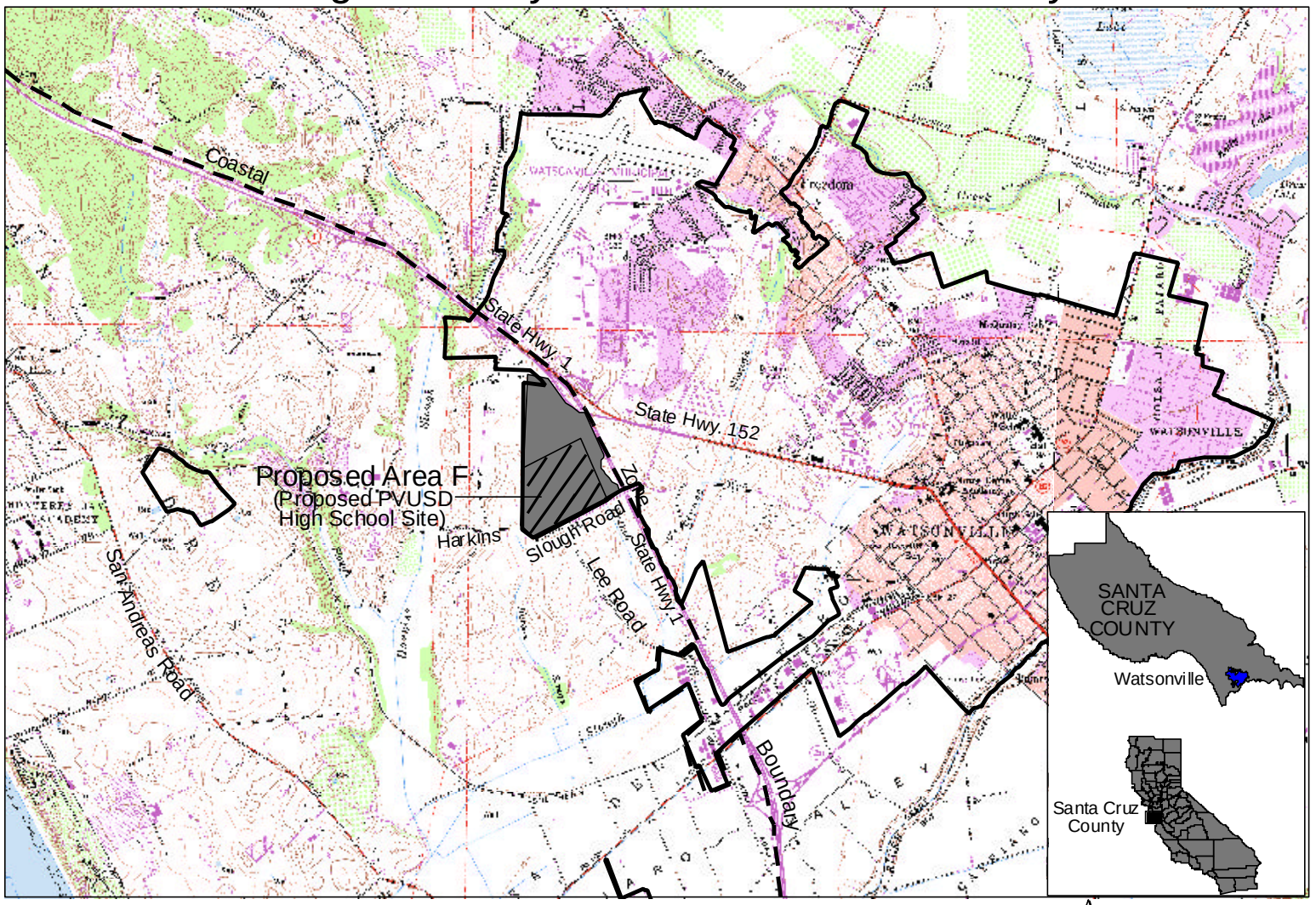
B. LCP Framework

Only a small portion (approximately 7.5%) of the City of Watsonville lies within the coastal zone. This area constitutes approximately 300 acres. Generally, the coastal zone boundary follows State Highway One as it runs through Watsonville and South Santa Cruz County. However, about 75 acres of the City of Watsonville west of Highway One were deleted from the Coastal Zone by the legislature in 1979. See Figure 2 and 3 for the coastal zone boundary and the City limits.

For purposes of LCP planning, the City divided their coastal zone into five areas (described as coastal areas A, B, C, D and E). Coastal Areas A, B, and C are located directly west of Highway One, while Coastal Areas D and E represent two non-contiguous public facility developments west of the City (i.e., "islands" within the City limits but separated geographically from the City). Coastal Area D is currently developed with the City's wastewater treatment facility on the Pajaro River, while Coastal Area E serves as the City's landfill. In addition, a portion of the Highway One right-of-way is within the City's coastal zone. The City's Local Coastal Program has both policies that are applicable to all five coastal areas and policies that provide further clarification relevant only to each specific coastal area. See Figure 3 for a map of the City's coastal zone areas.

In addition to specific policies, the Local Coastal Program includes several sections that provide detailed description and analysis of coastal resource issues present in the City of Watsonville (and the LCP policies that address them). The LCP groups the larger regional issues into: (1) conversion of agricultural land to urban use; (2) development opportunities; and (3) protection of resources. Issues specific to each respective area of the City's coastal zone (A – E) are also identified. Among other things, these additional sections describe the identification and analysis of the City's environmentally sensitive habitat areas, detail erosion, sediment and runoff standards, and identify development constraints and potential for each coastal area. These issue discussions in the certified LCP clearly identify core Coastal Act issues including the conversion of agricultural land to urban uses; establishment of a rural-urban boundary; preservation of agricultural land; appropriate water/sewer utility service areas; and protection (and acquisition) of sensitive resource areas.

Figure 2: City of Watsonville and Vicinity



Proposed Area F
Project Area C
City of Watsonville

- NOTE -
Locations approximate. For illustrative purposes only.

N
1 0 1
Miles

Source: USGS 7.5 minute Quadrangle Series.

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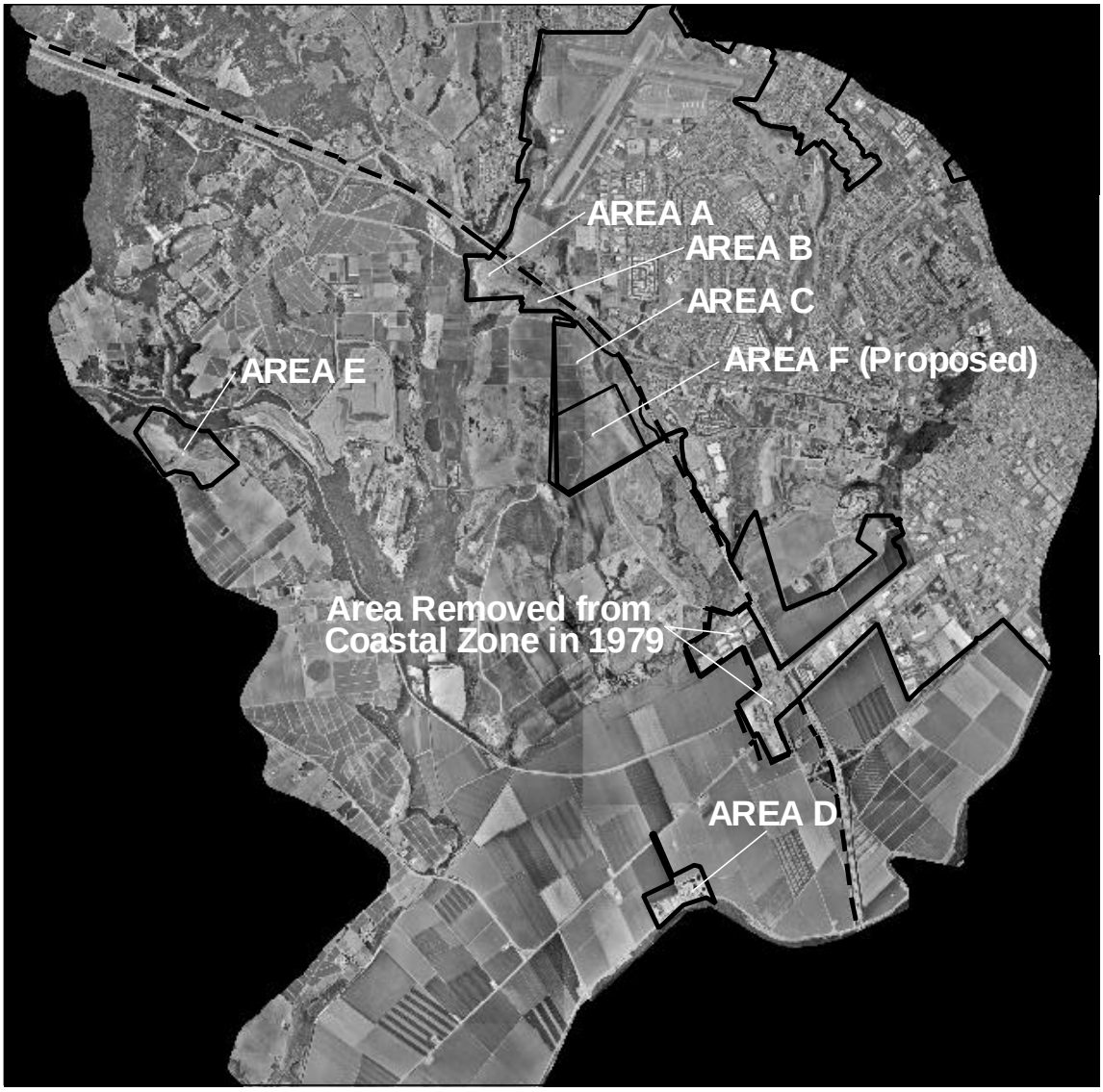
Figure 3: Watsonville Coastal Zone Areas



– – Coastal Zone Boundary
—— City Limits

Photo Source: Air Flight Service. 6/22/1994.

N
0.5 0 0.5
Miles

- NOTE -
Locations approximate. For illustrative purposes only.

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C. LCP Procedural History

1. Land Use Plan

On December 2, 1982, the Coastal Commission certified the City of Watsonville's Coastal Land Use Plan; this certification was dependent upon the City modifying the Plan in several ways suggested by the Commission. The suggested modifications included clarification that wetland upland transition areas were to be considered wetlands, and identification of a process for identifying habitat areas. The Watsonville City Council accepted the suggested modifications on January 25, 1983. Soon thereafter, the Commission's Executive Director reported the result of the City's action on the modifications to the Commission and the Land Use Plan was effectively certified as of April 14, 1983.

2. Implementation Plan

Subsequently, on June 7, 1988 the Commission certified the City's Coastal Implementation Plan; as with the Land Use Plan, this certification was dependent upon the City modifying the Plan as suggested by the Commission. The City modified the Implementation Plan as suggested by the Commission, and the Implementation Plan was effectively certified on November 15, 1988. The City assumed coastal permitting authority on December 8, 1988.

3. Previous LCP Amendments

There has been one previous amendment to the LCP approved by the Commission (Major Amendment Number 1-98, approved with suggested modifications on April 8, 1998, effective May 13, 1988). The purpose of this previous amendment was to expand the types of public recreational use that would be permitted in Area A of the City's coastal zone (in the northwestern corner of the City – not the subject site) in order to allow a golf driving range. Although the Coastal Commission has not yet received a final local coastal permit action notice for the driving range as required by the LCP and Coastal Act, the range has since been installed.

4. City-Issued Coastal Development Permits

The Commission has received final local action notices from the City for five coastal permits to date. These previous coastal permits did not involve the subject Area C site. One coastal permit was issued for a 2.7 acre portion of Area A to allow for a yard waste mulching operation (City permit number U-12-95). The yard mulching operation was classified as an agricultural use; this operation currently exists. Two other coastal permits (one after-the-fact) were issued by the City to allow for the City's wastewater treatment plant and for landfill improvements (on Areas D and E, respectively). These improvements have since been constructed.

Finally, two coastal permits have been issued for a 4.3 acre parcel on Area B. One permit provides for a 100 unit hotel (City permit number U-13-89), and a second permit allows utility extensions through the Highway One right-of-way to serve the hotel (City permit number U-25-91). Neither the hotel nor the utility extensions have been constructed, and the City has extended these permits annually since they were issued (in 1989 and 1991, respectively). The City has also changed the conditions of these two permits without notice or hearing on the changes. Commission staff has notified the City that these changes can not be effective without proper notice on hearing.[3] The status of these two coastal permits may be resolved when the City acts to extend them again on March 14, 2000. Area B is directly northwest of the subject Area C site adjacent to the West Airport Boulevard offramp from Highway One (see Figure 3).

2. Proposed Amendment Background and Description

A. Applicability of Amendment

Although one component of the proposed amendment would be placed in the LCP section applicable to all areas within the City's Coastal zone, its practical applicability would be limited to coastal Areas A, B, and C (see discussion in the Agricultural findings beginning on page 69). The remaining several components of the proposed LCP amendment would apply only to an approximately 76 acre site located within the City's coastal zone Area C, that the City proposes to redesignate as Area F.

1. Site Description (Existing Area C)

Area C is located to the north of Harkins Slough Road at the intersection with Lee Road, west of Highway 1 on the western outskirts of the City of Watsonville. Area C is composed of seven parcels totaling approximately 139 acres (assessor parcel numbers 018-281-02, 08, 12, 14, 15, 18, and 19); this area represents the largest contiguous block of land within the City's coastal zone. Area C is situated within a larger geographic region of extremely low intensity development without public services (water & sewer) and dominated by agricultural uses. This region extends from the western border of the City at Highway 1 all the way to the Pacific Ocean. Areas to the west and south (immediately outside the City's boundaries surrounding Area C) in unincorporated Santa Cruz County are designated by the County as Commercial Agriculture and Open Space (Watsonville Slough Ecological Reserve). Land use designations for the areas remaining within the City's jurisdiction to the north and east are designated as Environmental Management and Public. Across Highway 1 inland to the north and east are areas zoned for Industrial,

[3] Commission staff letters of May 19, 1999, December 3, 1999, and February 10, 2000 to City of Watsonville.

Environmental Management, Residential-Low Density, Public, Residential-Medium Density, and General Commercial. As of 1997, Area C was a part of a larger single strawberry farming operation extending west outside of City limits.[4]

2. Site Description (Proposed Area F)

The proposed LCP amendment would designate approximately 76 acres of current Area C as Area F. The site-specific portion of the proposed amendment would apply within Area F. The 76 acres that would become Area F encompasses four southern parcels in Area C and a portion of the largest parcel. All of these parcels are owned by Ralph & Kathleen Edwards. The two remaining parcels in Area C closest to the Highway (parcel numbers 018-281-02 and 15) are owned by the City of Watsonville and they are not proposed for inclusion in proposed Area F. Again, see Figure 4 for the parcel configuration of Area C.

Proposed Area F is bounded on the north by the lands under agricultural cultivation, on the east by the west branch of Struve Slough and then Highway 1, on the south by the Watsonville Slough Ecological Reserve, and on the west by Hanson Slough along with lands under agricultural cultivation. Approximately 27 acres of Area C is mapped in the LUP as an environmentally sensitive habitat area (ESHA); of which 14 of these habitat acres are within proposed Area F. There is a noticeable slope break running north and south which contains a dirt road that separates the habitat area and grassy slopes above it, from the remainder of the property. The remainder of Area F (and Area C for that matter), a total of approximately 70 acres, is currently used for agricultural production – mainly strawberry farming. The site has two small sheds, a well, a water storage tank and a fuel storage tank.

B. Amendment Procedural History

Although the amendment is much broader in scope, the essential impetus for this amendment is to facilitate the development of a third high school for the Pajaro Valley Unified School District (District).

1. Pajaro Valley Unified School District (PVUSD)

Pajaro Valley Unified School District is a large district stretching from mid-Santa Cruz County south through part of North Monterey County. The district serves a (1990) population of 89,000, approximately 20,000 of which (in 1999) are school age children attending grades K-12 in public school. The District currently has two major public high schools, Aptos and Watsonville High Schools, along with Renaissance, a continuing education high school. Aptos and Watsonville High Schools were designed and constructed to house approximately 1,400 and 1,800 students respectively; a total design capacity of 3,200 high school students. Notwithstanding these design constraints, Aptos and Watsonville High Schools are currently housing 2,200 and 2,360 students respectively; a total of 4,560 students. As such, these two District high schools are currently overcrowded by over 1,000 students. The District has estimated that by

[4] *South Santa Cruz County Ranch Maps*, Santa Cruz County Agricultural Commissioner's Office (1997)

Figure 4: Area C Parcels

— Area C
– – Coastal Zone Boundary

All Assesors Parcel Numbers are from book 018, page 281
Ownership:
City of Watsonville- #2, #15
Edwards- #8, #12, #14, #18, #19
Photo Source: Air Flight Service. 6/22/1994.

N
1000 0 1000
Feet

- NOTE -
Locations approximate.
For illustrative purposes only.

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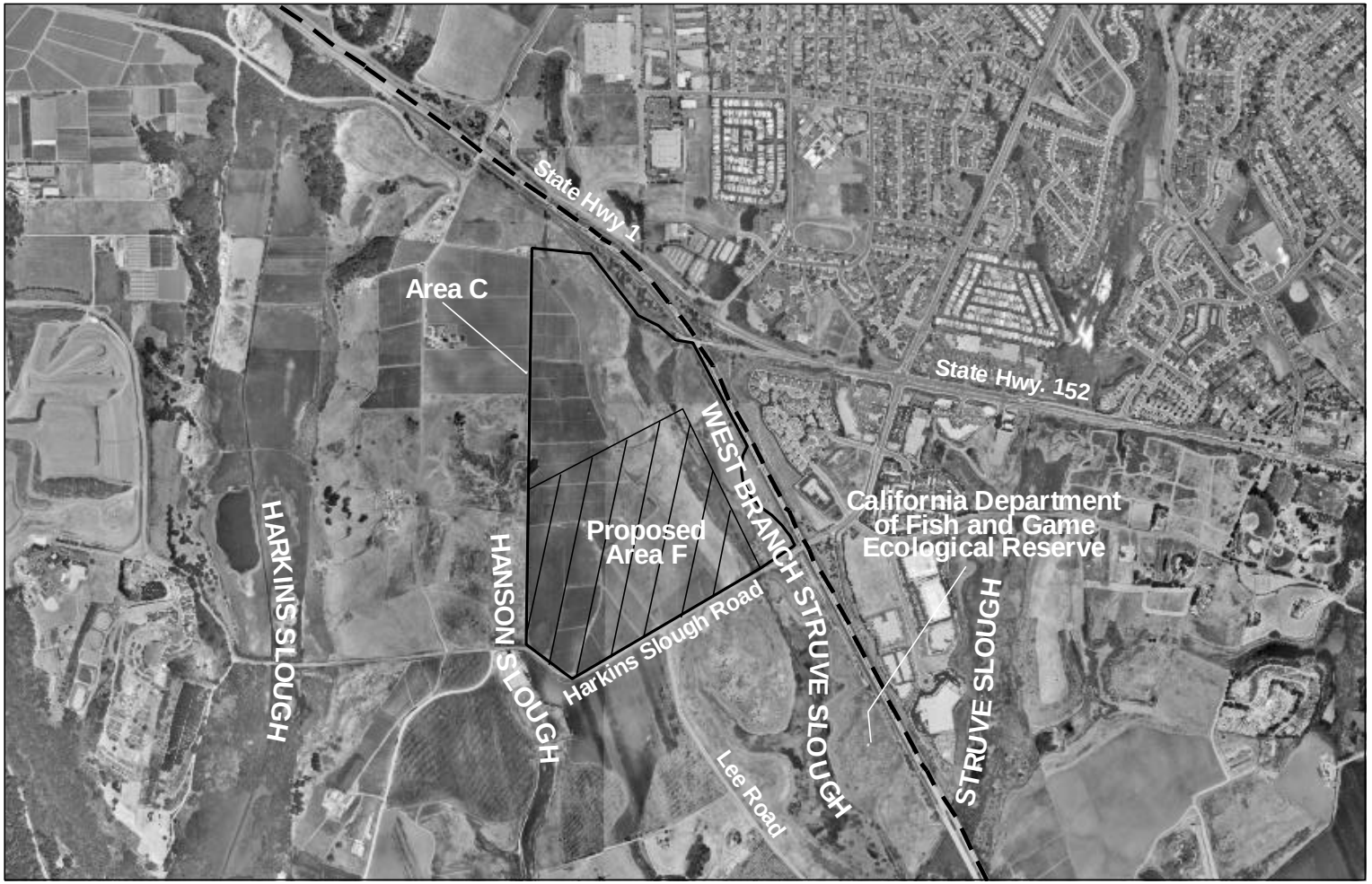
Figure 5: Area C and Proposed Area F Site Map



— Area C

▨ Proposed Area F

– - Coastal Zone Boundary

Photo source: Air Flight Service. 6/22/1994.

N

1000 0 1000

Feet

- NOTE -
Locations approximate. For illustrative purposes only.

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California Coastal Commission

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school year 2007-08, District high school facilities must be able to house an additional 2,000 students.[5]

2. Planning History for Proposed Third High School Project

A. Initial Site Selection Activities (1987 – 1995)

In order to relieve overcrowding and to address the needs of projected future high school students, the District is pursing development of a third high school facility. The District has been in the planning stages of such a proposed high school since at least 1987 when they first began searching for appropriate sites. In September of that year, the District's consultant (Gilchrist & Associates) evaluated several sites, including Area C. At that time, the subject Area C site was determined to be undesirable due to lack of water and sewer services, airport safety and noise concerns, wetland habitat constraints, and land use designations that allow only limited low-intensity development on the site.[6] Based upon the results of the 1987 study, the District chose to pursue a site on Green Valley Road near Pinto Lake. This site is in unincorporated south Santa Cruz County inland of Highway One and outside of the coastal zone (see site map Figure 6). An EIR was prepared for a high school at the Green Valley Road site. However, in the face of neighborhood and environmental group opposition, the District chose to abandon that site and a new site selection exercise began.

During 1991, the District's Alternative Site Committee reviewed eleven alternative sites for the high school. In January 1992, the District released a status report on the ability to approve the 11 alternative sites reviewed by the Committee. The report indicated that only one of the 11 sites (inland of Highway 1 near Ramsey Park in the City of Watsonville) had no noise or safety concerns. Five of the 11 sites were dropped from consideration entirely due to safety conflicts with Watsonville Airport operations; these sites were under the flight paths of aircraft performing flight maneuvers at low altitudes for airport approaches and departures.[7] Five more of the sites (including the subject Area C site) also raised some of the same airport safety and noise concerns due to proximity to Watsonville Airport operations. Because of these safety and noise reservations, the District was directed by the State Division of Aeronautics to pursue all other alternatives sites before selecting any of these five sites (see Exhibit J for Division of Aeronautics correspondence on appropriate school siting nearby the Watsonville Airport).

Subsequently, in early 1992 the District expanded the Site Selection Committee to include representatives from various agencies and local organizations. The Coastal Commission was not asked to participate on the Site Selection Committee. This Committee identified 8 potential sites for further analysis, which the Committee then rated and ranked. Criteria used to rate and rank those sites considered included: (a) a location within attendance area to serve students from the Green Valley Road Corridor, Corralitos, and Buena Vista; (b) transportation (PVUSD busing and public); (c) cost (land, development, etc.); and (d) acceptability by the State Department of Education. Other stated criteria in regards to impacts that were

[5] PVUSD Third High School FEIR (September 1998).
[6] High School Site Suitability Study, John Gilchrist and Associates (September 1987).
[7] As identified by the Caltrans Division of Aeronautics. See Exhibit J for Caltrans Division of Aeronautics correspondence on appropriate siting for a District high school.

considered include impacts upon: (a) prime agricultural land and agricultural activities; (b) projected growth within the City; and (c) projected growth within the County of Santa Cruz in the Pajaro Valley.

The result of this ranking was that the subject Area C site was the top-ranked site; the second top ranked site was the previously identified Ramsey Park site (also known as the 'Console' site), followed by the Kato and Koenig (Calabassas Road) sites. These three sites were forwarded to the District Board of Trustees. The Console site was the site top rated by the Santa Cruz County, LAFCO, and Watsonville Wetlands Watch representatives on the 1992 Site Selection committee.[8] Area C was top ranked by the other committee members.

B. First EIR for the Subject Area C Site (1996 – 1997)

In 1996, the District issued a notice of preparation to prepare a draft EIR for a proposed high school at the Area C site. The District subsequently issued a draft EIR (DEIR) for the proposed high school dated February 24, 1997. The DEIR identified twenty (20) significant adverse environmental impacts which could be feasibly mitigated or avoided, and also identified three (3) significant adverse environmental impacts that would be unavoidable or for which no feasible mitigation measure could be used to reduce the impact below the level of significance. Forty-seven (47) mitigation measures were proposed in the DEIR. The surplus Watsonville Hospital site was identified as the environmentally superior alternative for the new high school. There were fifteen (15) comments on the DEIR. The District certified the first FEIR for high school development on the Area C site in May 1997.

In June of 1997 Watsonville Wetlands Watch and California Alliance for Resource Conservation filed a Petition for Writ of Mandamus against the District and it's Board of Trustees (Case No.133018) in Superior Court of Santa Cruz County seeking to overturn the EIR and alleging several violations of CEQA. This suit alleged, among other things, that the EIR did not adequately analyze, identify, and/or mitigate impacts to sensitive habitat, agricultural lands, and water quality; growth inducement; and cumulative environmental impacts. The suit likewise contended that the EIR's alternatives analysis was inadequate. See Exhibit I, EIR lawsuit documentation.

Rather than litigate this suit, the PVUSD Board decided to decertify the first EIR and circulate a revised draft EIR (RDEIR) with additional information and analysis to correct possible flaws in the first EIR. As a result of the Board's decertification of the first EIR, Watsonville Wetlands Watch and California Alliance for Resource Conservation dismissed their lawsuit (subject to recovery of attorneys' fees and costs).

C. Second EIR for the Subject Area C Site

In June 1998, the District issued a Revised Draft EIR (RDEIR). The RDEIR identified twenty (20) significant adverse environmental impacts which could be feasibly mitigated or avoided, while also identifying three (3) significant adverse environmental impacts that are unavoidable or for which no

[8] This committee also had two PVUSD representatives, a City of Watsonville representative, a Farm Bureau representative, and a member of the citizen group opposing the original Green Valley Road site.

feasible mitigation measure could be used to reduce the impact below the level of significance. Sixty-six (66) mitigation measures are proposed in the RDEIR. This time the RDEIR concluded that the expansion of Watsonville and Aptos High Schools was the environmentally superior alternative (following the "no project" alternative). The PVUSD received 17 comments on the revised draft EIR. For example CDFG commented in a July 24, 1998 letter that "the Department believes that the proposed project would result in significant adverse impacts to biological resources including State- and Federally-listed species."

The Final RDEIR (FEIR) was certified by the District's Board on September 9, 1998. The FEIR dated September 1998 identifies the same twenty (20) significant adverse environmental impacts that could be feasibly mitigated or avoided, while also identifying twelve (12) new significant adverse environmental impacts, for a total of fifteen (15), that are unavoidable or for which no feasible mitigation measure could be used to reduce the impact level below the level of significance. Hence, the Pajaro Valley Unified School District adopted a statement of overriding consideration through Resolution Number 98-99-06 for all unavoidable or unmitigatable impacts. Five new mitigation measures were added for a total of seventy-two (72) in the FEIR. The expansion of Watsonville and Aptos High Schools was still identified as the environmentally superior alternative (following the "no project" alternative).

In October 1998, Watsonville Wetlands Watch and California Alliance for Resource Conservation once again filed suit in Santa Cruz County Superior Court alleging that the FEIR failed to acknowledge that the site is located on prime agricultural land and that the project failed to mitigate or change the project as a result of it's inconsistencies with the Watsonville LCP and the Coastal Act (Case No.134587). On May 14, 1999 the Court found that the revised EIR complied with CEQA requirements, and that substantial evidence in the record supported the revised EIR's conclusions. The Court also specifically found that:

> *The above referenced findings [on the adequacy of the EIR] do not purport to bind the California Coastal Commission in its determinations regarding the third high school project.*

Thus, the Court's decision places no burden on the Coastal Commission's own determinations with regard to the LCP amendment and any impacts or issues therein.[9] As for the lawsuit, Watsonville Wetlands Watch and California Alliance for Resource Conservation appealed the Santa Cruz Superior Court decision to Appellate Court on July 19, 1999. As of the date of this staff report, several briefs have been filed with

[9] In correspondence received in the Commission office on February 29, 2000, Legal Counsel for the PVUSD asserts that the decision that the agricultural land on the site is not prime has already been made because the "*specific issue of whether sufficient evidence exists to conclude that the property is not prime agricultural land within the meaning of the Coastal Act has been litigated, and the court's finding in this regard serves as stare decisis."* (Stare decisis is defined in Blacks Law Dictionary, Sixth Edition as "decided cases." Synonyms include "precedent" and "res judicata".) Commission staff disagrees with this assertion because the case has *not* been decided. The trial court decision was appealed by the plaintiffs and the appeal has not been heard as of this date. The Trial Court decision also specifically stated *"The above referenced findings do not purport to bind the California Coastal Commission in it's determinations regarding the third high school site."* One of the "*above referenced findings"* found that, based on the school CEQA documents, the site did not contain prime agricultural land. Finally, the referenced litigation was based on a challenge to the school district's CEQA documents, and the Commission was not a party to the suit. For all of these reasons, the Commission is free to make an independent determination on the issue of prime agricultural land on this site. See Exhibit I for recent CEQA lawsuit correspondence received by the Commission.

the Court, but the appeal remains unresolved and a date for oral arguments has yet to be set. See Exhibit I, EIR lawsuit documentation.

D. Alternatives to the Subject Area C Site

The 1998 FEIR described and updated the alternative site analyses previously undertaken by the District as summarized above. The Console/Ramsey park site, which had been developed by that time with a shopping center, was no longer available. Although discussed in the 1998 FEIR, another of the District-identified sites, the Watsonville Hospital site, is also no longer available, having been converted to offices, including District administrative offices, and residences since the FEIR. The 1998 FEIR discusses how the subject Area C (called Harkins Slough Road) site compares favorably with the alternative sites.

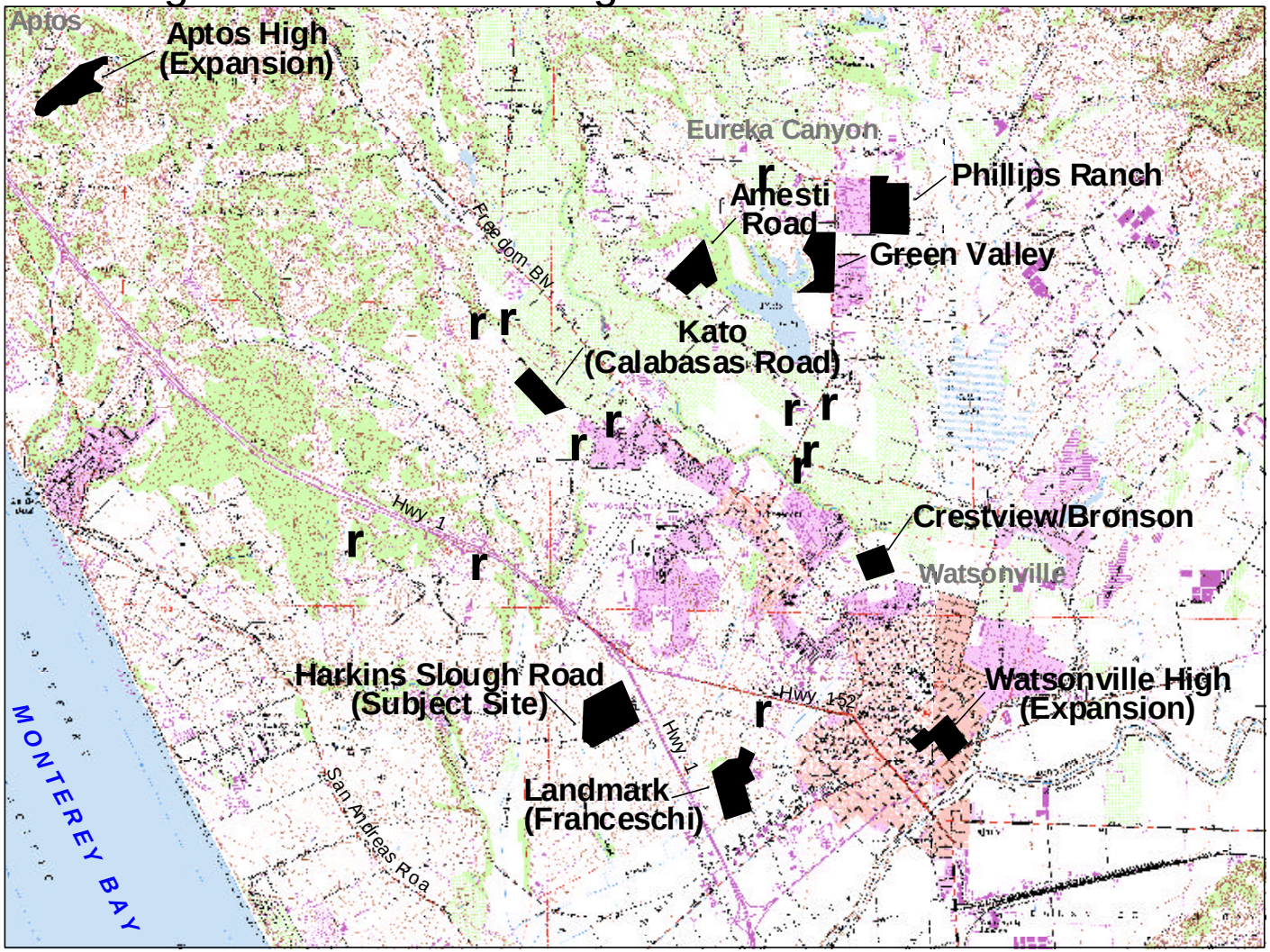
The table below summarizes some of the alternative sites that have not been committed to other uses that the PVUSD has previously considered (see Figure 6 for a location map of sites). The last column indicates the reasons why the District did not pursue these sites. These sites have characteristics similar to the subject Area C (Harkins Slough Road) site; i.e., need utility extensions, are on two-lane roads, are outside (with exception of Landmark) urban boundaries, are in (or have been) in agricultural use, and are near urbanized areas with sewer (except for Amesti Road) and water. The following sites are all directly adjacent to urban or suburban density residential development at least on one side with urban services (i.e., there is not a discernable urban-rural boundary such as a freeway and a slough separating these sites from developed areas).

Table 1: Alternative High School Sites Considered

Alternative Site 1: Landmark (Franceschi)	**Reasons Why District Did Not Pursue**
Approximately 85 acres of the area referred to as the "Landmark" remains undeveloped. The largest undeveloped parcel in the City of Watsonville is the roughly 67 acre privately-owned Franceschi property (APN 018-372-02), which is reportedly for sale, as a previous purchase agreement reportedly has expired. A City development feasibility study concluded that, after subtracting acreage slated for access road improvements and open space (Struve Slough) resources, approximately 53 developable acres were present on the Franceschi parcel.[10] A major thoroughfare (Ohlone Parkway, constructed to the site boundary) is planned to provide access through this site. Sewer and water connections are close to the site boundary at an adjacent urban residential housing development.	• Inadequate size • Unavailable for purchase or have to pay high severance cost • Other development proposals • Less direct route for students to access • Needed for jobs & housing • Not designated in General Plan for a high school • City would have to urbanize subject site (Area C) instead (i.e., to make up for development slated for the 'Landmark' area)

[10] *Landmark Development Feasibility Study*, Economic & Planning Systems, Inc. (September 1998).

Figure 6: Alternative High School Sites Considered



Additional Sites Considered (staff report Table 1)

r Additional Sites Considered

- NOTE -
Locations approximate. For illustrative purposes only.

Technical Services Division
California Coastal Commission

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Map Source: USGS 7.5 minute Quadrangle Series.

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The site is designated for Medium Density Residential and Environmental Management in the City of Watsonville General Plan. The site is currently in row crop production. The site's primary soil capability unit is IV (irrigated) and II (non-irrigated) and its Storie index is 44. This site does not have any constraints from an aeronautics perspective. In case additional acreage were required, this parcel is contiguous to the 18 acre Mine parcel also within the City limits. It is level and not currently being farmed. Another alternative in case additional acreage were required is a 27 acre contiguous parcel (Burgstrom Assessors Parcel Number 052-104-40) outside the City limits. LAFCO approved adding this to the City's sphere of influence, but then denied the City's annexation request in 1999. The County General Plan designates this area as Agriculture. The County Agricultural Resource classification is type 2B, limited agricultural land – geographically isolated. The City's General Plan designated this area for mixed industrial and commercial use, pursuant to a specific plan. The land is in row crop production. The site's primarily soil capability unit is IV and the Storie indexes are 44 and 36.	• Needs 200 foot agricultural buffer to adjacent property • Dependent on road widening and bridges • Adverse impacts on adjacent agricultural land • Near a designated elementary school site; undesirable to locate high school adjacent to elementary school • Potential highway noise
Alternative Site 2: Green Valley	**Reasons Why District Did Not Pursue**
This approximately 50 acre privately-owned site is located in unincorporated Santa Cruz County on Green Valley Road about ½ mile north of the intersection with Amesti Road, adjacent to residential neighborhoods. The street is two-lane (approximately 28 to 30 feet wide) with a sidewalk/bike path. Existing sewer and water lines pass by the site. Utility hook-ups would require LAFCO approval for the City of Watsonville to supply extraterritorial service or to annex the site (or a school would have to rely on on–site water and septic). The site is designated "Agriculture" in the County General Plan outside, but adjacent to, the Urban Services Line. The County's Agricultural Resource classification is 2-D – limited agricultural land experiencing use conflicts. The site is designated "Agriculture" in the Watsonville General Plan. It is not currently in agricultural use. The site's	• Local and environmental group opposition • Adjacent to Pinto Lake (safety concerns) • Adverse impacts to Blue herons & bird migration routes • Need to mitigate for seismic (on-site fault traces) and liquefaction constraints

primarily soil capability unit is II and the Storie index is 68. A 1987 Division of Aeronautics evaluation ranked this site as suitable for school development.	
Alternative Site 3: Crestview/Bronson	**Reasons Why District Did Not Pursue**
This approximately 25 acre, privately owned, level site is located in unincorporated Santa Cruz County adjacent to the Watsonville city limits and urban residential development off of Brewington Ave. The nearby streets are improved (approximately 40 feet wide) with sidewalks and contain water and sewer lines. Utility hook-ups would require LAFCO approval for the City of Watsonville to supply extraterritorial service or to annex the site (or a school would have to rely on on–site water and septic). The site is designated "Agriculture" in the County General Plan outside, but adjacent to, the Urban Services Line. The County's Agricultural Resource classification is type I-A – viable agricultural land. The site is designated "Specific Plan Area" for Residential use in the Watsonville General Plan. The site's primarily soil capability unit is III and the Storie index is 72. The site is an apple orchard. This site would not appear to have any constraints from an aeronautics perspective. If additional land were needed, there are similar agricultural parcels adjacent to the site, including a 22 acre site.	• Not in attendance area; too close to Watsonville HS. • Conversion of agricultural land • Adverse impacts on adjacent agricultural land • Potentially growth-inducing • Greater neighborhood traffic impacts • Not served by City fire & police • High liquefaction
Alternative Site 4: Kato (Calabasas Road)	**Reasons Why District Did Not Pursue**
This 29 acre, privately owned site is located in unincorporated Santa Cruz County on Calabasas Road. It is comprised of two parcels. There is a third adjacent parcel of approximately 34 acres; resulting in a total site area of approximately 63 acres. The site is adjacent to a residential neighborhood with sewer and water. This street to the site is two-lane (about 28 feet wide) with sidewalk. The sewer would have to be upgraded and extended or the site would have to be served with a septic system. Any utility hook-ups would require LAFCO approval for the City of Watsonville to supply extraterritorial service or to annex the site.	• Local opposition • Conversion of agricultural land • Adverse impacts on adjacent agricultural land • More costly • Farther from nearest fire station • Poor access: served by two lane road • Growth-inducing

The site is designated "Agriculture" in the County General Plan outside County's urban services line. The County's Agricultural Resource classification of one parcel is 2-D – limited agricultural land experiencing use conflicts; the other parcel and the adjacent parcel have no agricultural resource overlay. The site's primarily soil capability unit is III and the Storie index is 66. The site is designated "Specific Plan" for residential use in the Watsonville General Plan. The site is currently in agricultural use; a combination of row crops and greenhouses/nursery. The adjacent parcel is an orchard. This site does not have any constraints from an aeronautics perspective. Alternative sites on Calabasas Road. For example, PVUSD considered "Koenig," an approximately 18 acre, site, comprised of 5 privately-owned parcels. The site is designated in the County General Plan as "Rural Residential,' outside County's urban-rural boundary. The site is designated "Specific Plan" for residential use in the Watsonville General Plan. The site's two primarily soil capability units are III and IV and the respective Storie indexes are 62 and 36. The site is used for residences, greenhouses, and grazing. This site does not have any constraints from an aeronautics perspective. There are other sites along both sides of Calabasas Road in this area that have more open acreage than Koenig, some of these had been considered in earlier screening by PVUSD. Generally, the more open lands are to the east and in agricultural use and so designated, while the lands to the west are in a rural residential designation, but have more structures and are of smaller parcel sizes.	• Farther from commercial areas • No transit access
FEIR-identified "Environmentally Superior Alternative"[11]: Expanded Aptos & Watsonville High Schools	**Reasons Why District Did Not Pursue**
Aptos High School is located on a 65 acre site owned by PVUSD in unincorporated Santa Cruz County accessed off of Freedom Boulevard. It is served by sewer and water.	• Need new EIRs • School district reorganization could not occur

[11] PVUSD Third High School FEIR (September 1998).

The site is designated Public Services in the County General Plan outside, but adjacent to the County's urban services line. It is not agricultural land. This site would not have any constraints from an aeronautics perspective. An adjacent approximately 10 acre site would be purchased to accommodate some expanded facilities. Watsonville High School is located on a 36.38 acre site owned by PVUSD in the City of Watsonville on It is served by sewer and water. The site is designated "Public/Quasi Public" in the City of Watsonville General Plan. It is not agricultural land. This site would not appear to have any constraints from an aeronautics perspective.	• Insufficient size • Poorer access to Aptos HS; need improved road • Sites would be too crowded • Poor fire and police response times • Code compliance issues
Previous Alternative: Phillips Ranch	**Reasons Why District Did Not Pursue**
This approximately 70 acre privately-owned, level site is located in unincorporated Santa Cruz County behind a subdivision off of Green Valley Road. The streets leading to the site are two-lane (approximately 40 feet wide) with sidewalks. and contain water and sewer lines. Hook-up would require LAFCO approval for the City of Watsonville to supply extraterritorial service. The site is designated "Agriculture" in the County General Plan outside, but adjacent to, the County's urban-rural boundary. The County's Agricultural Resource classification is type I-A –viable agricultural land. The site is designated "Agriculture" in the Watsonville General Plan. The site's primarily soil capability unit is II (III if non-irrigated) and the Storie index is 68. The site is in crop production. A 1987 Division of Aeronautics evaluation ranked this site as suitable for school development.	• Loss of agricultural land • In a sensitive archaeological area • Infeasible due to cost of extending sewer service • Distance from population center • Access is difficult • High tension wires cross site.
Previous Alternative: Amesti Road	**Reasons Why District Did Not Pursue**
This approximately 45 acre privately owned site is located in unincorporated Santa Cruz County off of Amesti Road, a little over a mile from the intersection with Green Valley Road, adjacent to residential neighborhoods. The street is two-lane and contains a water line. Hook-up would require LAFCO approval for the City of Watsonville to supply	• Lack of sewer service • Limited septic suitability • Agricultural designation • Requires filling and compaction

extraterritorial service. There is no nearby sewer, nor is the site in a sewer service area; therefore, it would need an on-site septic system. The site is designated "Agriculture" in the County General Plan outside County's urban-rural boundary. The County's Agricultural Resource classification is type 2-D --- limited agricultural land experiencing use conflicts. The site is designated "Agriculture" in the Watsonville General Plan. The site's primarily soil capability unit is III and the Storie index is 62. A 1987 Division of Aeronautics evaluation ranked this site as suitable for school development. An alternative site located farther down Amesti Road at the corner of Pioneers Road is an approximately 48 acre sloping privately-owned site (not previously considered by PVUSD) with similar attributes to this one. The site is designated "Agriculture" in the County General Plan outside County's urban-rural boundary. The site is designated "Agriculture" in the Watsonville General Plan. The site's primarily soil capability unit is III (non-irrigated) and IV (irrigated) and the Storie index is 42. This site would not appear to have any constraints from an aeronautics perspective.	• Outside of sewer district • Productive agricultural land • High cost of extending services • Dangerous intersection of Pioneers and Green Valley Roads • Distance from population center

Landmark

Since the FEIR, and especially since the Department of Education's 1993 field site evaluation, several potential issues have been clarified, and several other conditions have changed relative to the Landmark area alternative:

- The primary Landmark area parcel, the 67 acre Franceschi parcel, may be for sale. (At the time, the field site evaluation stated that condemnation would be required, whereas it would not be required on the subject Harkins Slough site[12]).

- Ohlone Parkway, the thoroughfare planned between Main Street and West Beach Street has been partially constructed. It now ends at the southern boundary of the site. (At the time, the field site evaluation stated that this was a gravel road, whereas FEMA was going to pay all the costs of

[12] As it turns out, condemnation proceedings are required for the Harkins Slough site and are presently underway.

extending utilities to the subject Harkins Slough site[13]).

- The City has completed a development feasibility study for the Landmark area which indicates that approximately 53 developable acres are present on the Franceschi parcel after subtracting acreage slated for access road improvements and open space (Struve Slough) resources.[14] (At the time, the field site evaluation indicated only 39.5 usable acres.)

The Landmark site shares some of the same general constraints associated with the subject Area C site (including lands in agricultural production and adjacency to Struve Slough). Some of the District's reasons for not pursuing this site would also apply to the subject Area C site. The constraints that the Landmark area does not share with the subject Area C site are that development at this location would not have the adverse growth-inducing impacts, nor further destabilize the current urban-rural boundary. Moreover, the site does not raise potential safety concerns relative to the airport. In fact, the Landmark site is in an area otherwise hemmed in by urban development that is slated for further urbanization in the future. As of the date of this staff report the Landmark (Franceschi) option appears feasible.

Expansion of Aptos and Watsonville High Schools

There are also changed circumstances with regard to the FEIR's environmentally superior alternative of expanding the existing District high schools at Aptos and Watsonville to accommodate additional students. At the time of the 1998 FEIR, the District's administrative offices were housed at the Watsonville High School campus. These offices have since moved to the old Watsonville Hospital (part of the reason that the Hospital site is no longer a potential alternative location for a high school). To the extent that this office space relocation has freed additional student space at Watsonville High School, this alternative may be even more attractive than as analyzed in the 1998 FEIR, when it was deemed by the District to be the "Environmentally Superior Alternative" under CEQA.

It is also noted, that while presented (and then rejected) as a complete alternative to constructing a third high school, some improvements at either or both existing schools could affect the ultimate size of the needed third high school. The two existing public schools combined sit on 110 acres and currently have capacity of 3200 students, but house 5190 students. This overcrowding is accommodated by utilizing a combined 45 portable classrooms. PVUSD has planned on eventually housing 2,200 students at the proposed new high school. This would leave 3,000 students currently at the other two schools and 4,000 students in ten years if the District's future student population projections hold. However, if some improvements could be made at the other high schools, then the amount of students assigned to the new third high school might change. Following is a table relating student body size to available acreage, based on State Department of Education (DOE) guidelines. The table includes proposed new guidelines that have not yet been formally adopted.

Table 2: State Department of Education High School Acreage Guidelines

[13] This latter point is no longer true; furthermore, the analysis in this report has concluded that a bridge may have to be constructed on Harkins Slough Road for habitat and possibly flood prevention purposes. The City has preliminarily estimated its cost at $3.9 million.

[14] *Landmark Development Feasibility Study*, Economic & Planning Systems, Inc. (September 1998).

Number of Students	Current DOE Guidelines (acres)	Proposed DOE Guidelines (acres)	Proposed DOE Guidelines if Class Sizes Are Reduced (acres)
1001 – 1200	31.3	33.5	
1201 – 1400	34.2	36.4	
1401 – 1600	36.1	38.7	
1601 – 1800	39.7	44.5	
1801 – 2000	41.6	47.1	
2001 – 2200	44.6	50.1	
2201 – 2400	46.5	52.7	
2401 – 2600	None	58.3	61.5
2601 – 2800	"	60.8	64.4
2801 – 3000	"	63.5	67.3
3001 – 3200	"	65.8	69.9
3201 – 3400	"	68.0	72.4

E. Coastal Commission Involvement and Comments

As noted, the Coastal Commission staff was not invited to be part of the PVUSD's site selection processes. And, indeed with the selection and subsequent pursuit of the Green Valley Road site, which is outside of the coastal zone, there was no urgency for the Commission to be involved.

However, in mid-1993, when it became public knowledge that the District had abandoned the Green Valley Road site because of neighborhood opposition and was considering the subject Area C site, Commission staff began what has since become a lengthy exchange with the District and the City. Commission staff has consistently informed both parties that the proposed Area C site west of Highway One raised (and continues to raise) a range of coastal resource issues, including, but not limited to development adjacent to sensitive wetlands habitat, extension of public services and infrastructure to rural areas west of Highway 1, growth inducement, conversion of agricultural lands, impacts to the public viewshed, impaired water quality, and a destabilized urban-rural boundary. See Exhibit D for Commission staff correspondence.

In summary, in addition to numerous more informal phone conversations, the Commission staff made its views known through a total of ten letters, testimony at three District hearings, and testimony at one City meeting from 1993 through 1999:

- On July 28, 1993 Commission staff wrote to the District suggesting a meeting to discuss potential adverse impacts and inconsistencies with the local coastal program arising from siting a high school west of Highway One in the Coastal Zone. A similar request letter was sent to the District on June 22, 1995.

- In July of 1995, Commission staff expressed concerns to the School Board that the proposed high school location at Area C was inappropriate and that such development at this location could result in significant impacts to coastal resources. Commission staff subsequently met with the District staff. Follow-up letters were sent to the District on August 14, 1995 and to the City on September 15, 1995 discussing procedures for the necessary local coastal program amendments.

- On January 1, 1996, Commission staff requested that the City and District continue to consider the "Console" site as an alternative school site in the District's upcoming EIR "since it is not yet developed and is contiguous to urban uses." This site has since been developed with a shopping center.

- On April 11, 1996, Commission staff provided detailed comments on the notice of preparation for the first Draft EIR, identifying significant issues including, but not limited to: conflicts with the Coastal Act; growth inducement on west side of Highway 1; negative impacts on wetland habitat and adjacent agriculture ; non-point source water quality; and visual siting impacts.

- On March 26, 1997 Commission staff again testified before the PVUSD School Board, expressed serious concerns with the proposed project, and indicated that it is inconsistent with the Coastal Act.

- On April 9, 1997 Commission staff wrote a letter again identifying issues of concern and expressing inadequacies of the DEIR and urging pursuit of a less environmentally damaging alternative location. The Commission was subsequently informed at the April 1997 Coastal Commission hearing about the nature of the proposed high school project at Area C, and staff's serious concerns for siting such development at this location.

- On May 14, 1997 Commission staff again testified before the PVUSD School Board on the District's second public hearing on the Draft EIR and reiterated serious concerns over the proposed site.

- On August 5, 1998 Commission staff wrote detailed comments on the Revised DEIR again urging pursuit of a less environmentally damaging alternative.

- On May 12, 1999 Commission staff informed the District by letter that condemnation proceedings on Area C (the Edwards property) were premature until an LCP amendment was approved, but again suggested pursuing alternative sites rather than the LCP amendment.

- On June 7, 1999, Commission staff testified at the City of Watsonville Planning Commission recommending that the City and the District pursue alternatives to the subject Area C site in order to avoid significant coastal resource impacts.

- On July 27, 1999 Commission staff wrote a letter on the subject LCP amendment package, once again reiterated the same set of serious concerns over the proposed high school project, indicating that the proposed LCP amendment package raised significant Coastal Act compliance issues and weakened the existing LCP.

See Exhibit D for the full text of these Commission staff correspondences on the project.

F. School Approval by State Department of Education and State Architect

Before pursuing an LCP amendment to allow a school on Area C, PVUSD had plans prepared and began condemnation proceedings for the proposed high school. The State Department of Education approved the final plans on October 21, 1998 and conditionally approved the school site on October 26, 1999. The approval by the State Architect is valid for four years. However, according to a representative of the Office of the State Architect, the approval must be extended each year. Currently, the District is waiting for approval of this year's extension.[15] The State Architect's office indicates that the extension will be approved once some minor changes to the plans are made.

G. City of Watsonville Approval of Proposed Amendment

The currently certified LCP does not allow for a high school at PVUSD's chosen site, nor does it allow for any development of that magnitude on Area C. Therefore, the LCP would need to be amended in order for PVUSD to be able to obtain a coastal permit to construct its proposed high school and related infrastructure improvements on Area C. Accordingly, PVUSD applied to the City of Watsonville for an amendment of the City's General Plan and it's Local Coastal Program to facilitate development of a high school off of Harkins Slough Road. The request was filed in September of 1998.

On May 19, 1999 the Watsonville City Planning Commissioner approved the LCP amendment package, by a vote of four to two. This action was taken notwithstanding the Commission staff's testimony summarized above and concerns raised by the California Department of Fish and Game that the proposed high school would have significant and unmitigatable adverse impacts on the Watsonville Slough system, on and off-site. The CDFG letter concluded (see Exhibit K for the full text):

> *The Department finds the Final Revised EIR unacceptable and strongly advises the applicant to seek an alternative site.*

On July 27, 1999 the Watsonville City Council reviewed the subject LCP Amendment package. By a vote of six to zero, the Watsonville City Council adopted Resolution 222-99 and ordinance 1080-99 thereby approving the proposed amendment to the City's Coastal Land Use Plan and Implementation Plan. This Council action also considered and concurred with the subject FEIR, and relied upon it in the Council's LCP findings (Resolution 221-99). Again, this action was taken notwithstanding Coastal Commission staff and Department of Fish and Game objections. CDFG's July 12, 1999 letter indicated that the subject site is biologically sensitive, and that if some form of development were to occur on the subject site, adverse impacts from such development cannot be mitigated on the site. It concluded:

> *We will continue to advise against locating the high school at this site.*

See Exhibit K for CDFG correspondence.

[15] Phone conversation with Coastal Commission staff, February 29, 2000.

H. Commission Action Since the City of Watsonville Approval of Proposed Amendment

The main amendment application package was received in the Commission's Central Coast District Office on August 23, 1999, and subsequent materials missing from the main package were received on August 27 and September 15, 1999. The application was filed on September 15, 1999.

The Coastal Act requires that where an amendment request contains both IP and LUP amendments, as is the case here, Section 30511(a) of the Coastal Act allows for a 90 day period within which the Commission must act. In this case, the 90th day fell on December 14, 1999 (i.e., September 15th + 90 days = December 14, 1999). Therefore, the amendment would have had to be scheduled for action at the Commission's December 7-10, 1999 meeting in San Rafael if it were to be decided within 90 days of filing. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the 90 day time limit for a period not to exceed one year.

In a letter received November 12, 1999 the City requested that the Commission hearing on the proposed amendment package take place no earlier than March 2000 in order to better enable the City to prepare necessary documentation supporting the amendment request. Pursuant to the City's request, the Commission extended the time-frame for action (for a period not to exceed one year) on the subject amendment at the December 9, 1999 Commission hearing. See Exhibit E.

C. Current LCP Policies: What is Allowed?

To better understand the implications of the City's LCP amendment submittal, it is instructive to consider the possible development potential on Area C under the currently certified local coastal program provisions (i.e., land use plan text and maps and zoning text and maps).

1. Land Use Plan Policies

A. Agriculture is the Principle Use on Area C

Like the Coastal Act, agriculture is given priority protective status in the current land use plan. Policy III.C.1 lists agriculture as one of three permitted uses; the two others are passive recreation and aquaculture (which is a form of agriculture).

B. Provisions to Allow Non-Agricultural Uses

Notwithstanding the priority that agriculture is afforded, the LCP does open the possibility for other uses. In addition to the permitted passive recreational use, the LUP allows for *conditional* uses on Area C: residential on large-lot (5 acre minimum lot size per housing unit) or light non-nuisance industrial park (not including outside storage). However, LUP Policy III.C.4 states:

Non-agricultural use may be permitted only if continued agricultural use is demonstrated to be infeasible.

Although "infeasible" is not defined in the City's LUP, Coastal Act Section 30108 defines feasible as follows

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Thus, the City's LCP sets a high standard if conversions of agricultural uses on Area C are pursued. In short, it must be demonstrated that continued or renewed agriculture at the site cannot be "accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

C. Limits on Non-Agricultural Development

The LUP also includes specific performance standards to limit development at Area C. The LUP requires:

- Avoidance of all environmentally sensitive habitat areas; all ESHA acreage is to be excluded from calculation of lot size for number of residential units and allowed impervious surface coverage (Policy III.C.3.a);
- Minimum of 5 acre lot per housing unit (Policy III.C.3.b);
- Minimum of 15 acre lot for industrial use (Policy III.C.3.c);
- Minimum of 10% (of lot area) impervious surface coverage (Policy III.C.3.d);
- Minimum 50 foot setback from riparian areas (Policy III.C.3.e);
- Minimum 100 foot setback from wetlands or wetland transitional zones (Policy III.C.3.e);
- Slopes above 15% cannot be developed (Policy III.C.3.f);

All of these protections were certified into the LUP in acknowledgement of the appropriateness of limiting development on this sensitive site west of Highway 1. As stated in the certified LUP:

[Area C] presents the largest set of questions [in terms of the City's coastal zone areas]. Though zoned for residential development, it has the most varied terrain of any of the Coastal Zone areas and is the location of the city's most valuable coastal resource, Struve Slough. Without question any form of development of the site would be difficult and would require preservation of the natural resources. Potential options included transfer of development rights to Area A, extremely limited light industrial development with the requisite buffer zones and flood control maintenance requirements, or designation of the entire area for environmental management. Residential development would require very strict performance standards with the need to extend roads, sewer or septic tank and water systems, and the potentials for encroachment on the wetlands, flooding and further degradation of the groundwater, and the need for improved access to the parcels.

That any non-agricultural and/or non-resource management development is allowed on Area C at all reflects the differing perspectives between the City's General Plan and the requirements of the Coastal Act when the LCP land use plan was originally certified on December 2, 1982. At the time of certification, although in agricultural production, the lands that were to become Area C were designated for residential use in the City's General Plan. The current LCP policies reflect a balance between the City's General Plan and the Coastal Act's protective resource policies, dictating continued agricultural use in Area C with the possibility of future conversion to other uses at a very limited intensity.

See Exhibit B for the selected land use plan text and maps.

2. Implementation Plan Policies

The City's Implementation Plan includes the text of the applicable sections of the City's zoning code and zoning maps. In general, a local government's Implementation Plan provides more detail than the land use plan concerning the specific uses allowed and the parameters for allowing them (e.g., setbacks, heights, parking requirements, etc.). While also true in this case, the City's certified Implementation Plan applicable to Area C in large measure mirrors land use plan restrictions for Area C.

The Implementation Plan **principal permitted uses** for Area C are: Public parks; publicly owned open lands, privately owned aquaculture facilities; public and quasi-public open space; irrigated agriculture; non-irrigated agriculture; pasture and native grasses; animal agriculture; and wetlands. Some specific categories of park uses include tot lots, playgrounds, athletic fields, public golf courses, public pools, local or state parks, fairgrounds, zoos, botanical gardens, wildlife preserves, and public open space. However, it is noted that these are not all limited to passive recreational pursuits, as required by the Land Use Plan.

The Implementation Plan **conditional uses** for Area C are: Single family residences; Industrial machinery, equipment, and supplies-wholesale; Industrial nonmanufacturing, miscellaneous; Industrial pattern makers; Industrial truck services; and Highway right of way (within existing roadway area). Also, the principal permitted uses of the IP-Industrial Park District are Area C conditional uses. These include: Storage, limited to permitted IP District uses; Wholesale vehicles and equipment; Wholesale drugs, chemicals; Wholesale dry goods and apparel; Wholesale food distributors; Wholesale electrical goods; Wholesale hardware, plumbing, and heating supply; Wholesale machinery, equipment, and supplies; Wholesalers, miscellaneous; Research and development of manufacturing firms; Contractors, general; Construction, special trade contractors; Welding shop; Blueprinting service; Dairy products, manufacturing; Bakeries, large scale; Candy products, manufacturing; Beverage industries; Apparel and other products made from fabrics; Furniture and fixtures; Paper and allied products; Printing, publishing, and reproduction; Pharmaceutical products, manufacturing; Ice manufacturing; Rubber, plastic and leather products Stone cutting, monument manufacturing; Fabricated metal products manufacturing; Machines, business, manufacturing; Machine, service industry, manufacturing; Miscellaneous machinery, except electrical; Electrical machinery, equipment, and supplies; Transportation equipment Instruments, photo, optical goods, watches, clocks, manufacturing; Miscellaneous manufacturing industries Blueprinting, microfilming, service; Services to buildings, machinery, and property; Vocational trade schools; Tool

designers; Delivery service; Packages, not freight; and Automobile parking facilities.

The Industrial Park requirements are somewhat different than those stated in the Coastal Implementation Plan. However, since the Coastal Implementation Plan says that the regulations both that it contains and that are found in the Industrial Park district section of the Municipal Code apply, there could be some dispute as to which set supercedes the other. Also, the City has slightly amended the Industrial Park permitted uses and requirements since the version (latest Reprint August 30, 1985) submitted with the Coastal Implementation Plan. However, since those subsequent changes were never formally submitted to the Coastal Commission as local coastal program amendments, they are not effective for the coastal zone.

There are clearly a large number of principal and conditional uses currently assigned to Area C. This should not be taken as evidence that such development is a certainty, however. In fact, the IP, like the LUP, stringently protects against conversion of Area C land from agricultural to non-agricultural uses. Such a conversion would be predicated upon a finding that "continued agricultural use is demonstrated to be infeasible" (IP Section 9-5.705(c)(4)(a)). Any non-agricultural use, principal or conditional, requires a finding that it is in conformance with LUP Chapter II policies including, but not limited to, LUP Policies II.A.1 and II.A.2 prohibiting conversion of land "suitable for agricultural use" unless continued or renewed agricultural use of the land in question is not feasible, or such conversion would result in development near existing developed areas served by adequate public facilities.

The IP mirrors the LUP sets of performance standards and establishes the following minimum requirements:

Minimum Lot Area and Dimension (IP Section 9-5.705(c)(1)): 5 acres per residential unit, 15 acres per industrial use; each lot must have a frontage of 330 feet.

Minimum Setbacks (IP Section 9-5.705(c)(2)): 50 feet from riparian habitats and 100 feet from wetlands or transitional zones; 20 feet for front and rear yards, 5 feet for interior side yards.

Maximum Coverage and Height (IP Section 9-5.705(c)(3)): Maximum impervious surface coverage is 10%. Maximum height is 2½ stories or 30 feet.

The minimum lot dimension and maximum coverage calculations are net. Wetlands, riparian habitat, and other environmentally sensitive habitat areas are excluded from the minimum lot dimension and maximum coverage calculations.

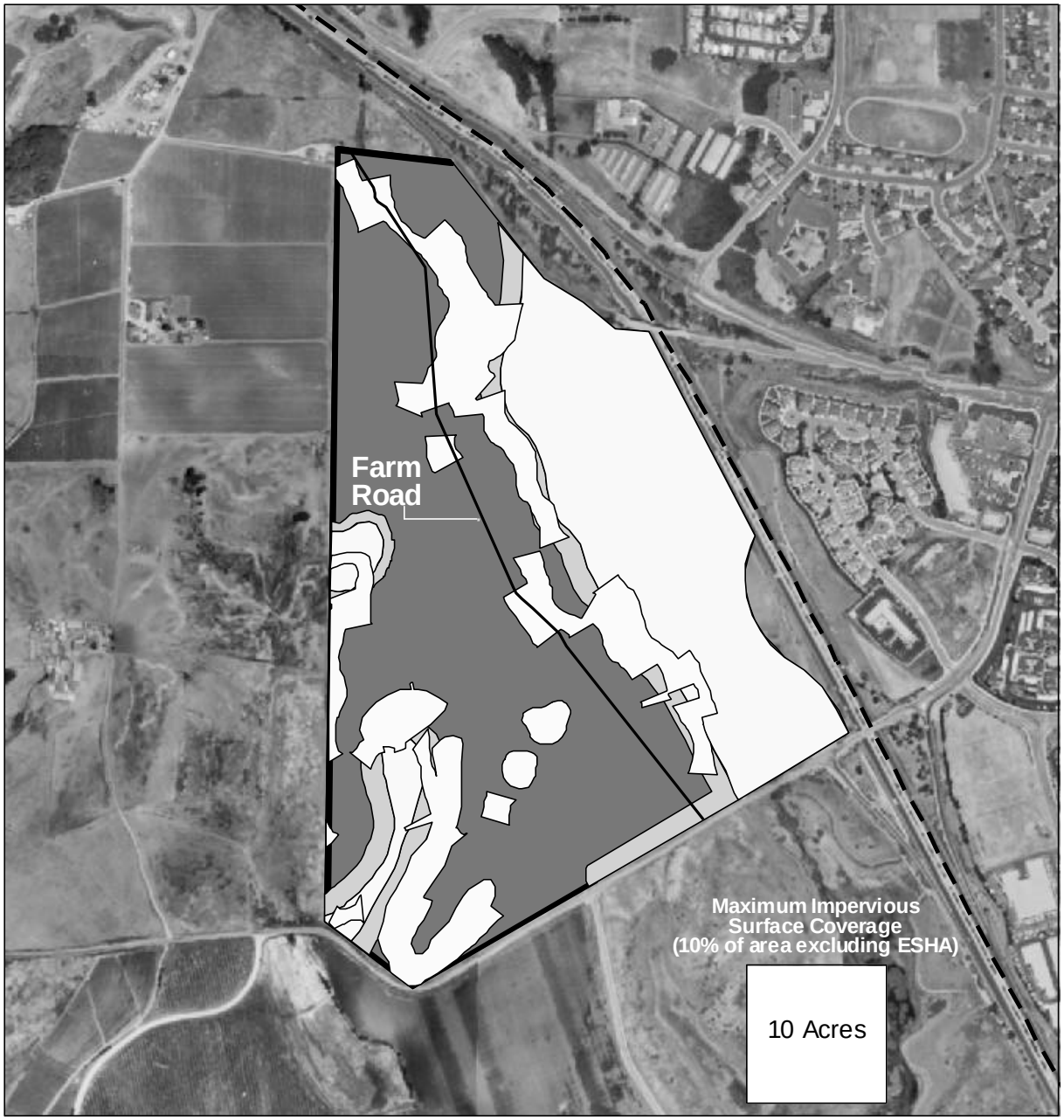
See Exhibit B for the selected implementation plan text and maps.

3. Relationship of Current Policies to Allowable Development

A. Maximum Amount of Development Area and Maximum Coverage

Under the current local coastal program there are two key calculations: the number of acres that a use can occupy and the maximum amount of impervious surface. The first calculation is based on LCP policies that require development to avoid and be buffered from the West Branch of Struve Slough, from Hanson Slough, from upland transitional habitats, and from adjacent agricultural operations. In addition,

Figure 7: Current LCP Development Constraints: Area C



Agricultural (i.e. rear yard) Setback (20')
ESHA
ESHA Setback
Steep Slopes (15% or greater)
Developable Area r
Coastal Zone Boundary

r "Only if continued agricultural use is demonstrated to be infeasible." (LCP Policy III.C.4)

N

500 0 500

Feet

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

Technical Services Division
California Coastal Commission

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

GMB, JVC: 2/00

development would need to avoid slopes greater than 15%. This development envelope is calculated by removing from the 139 acre Area C the following: environmentally sensitive habitat (ESHA) (- 41 acres), 100 foot ESHA buffer (-16 acres), slopes greater than 15% (-28 acres), and property setbacks (generally 20 feet wide or -3 acres). The result (after accounting for overlapping categories) is approximately 63 acres of land. However, about five acres of this total is isolated from the remainder by steep slopes, hence netting a more realistic 58 acre development envelope. This is illustrated in Figure 7; also see Table 3 below.

The second calculation, for the maximum amount of impervious surface, involves removing ESHAs (-41 acres) from the 139 acre Area C and then taking 10% of that number The result is 10% of 98 (139 –41) or approximately 10 acres.

Table 3: Current LCP Planning Constraints[16]

	Total Area C	Proposed Area F	Remainder of Area C
Total acres	**139**	76	63
ESHA mapped	**41**	14	27
Steep Slopes (>15%)	**28**	17	11
Buffers to Adjacent Agricultural Land (i.e., 20' rear yard setback)	**3**	1	2
Buffers ESHA	**16**	12	4
Developable Area (Total – ESHA – Slopes – ESHA Buffer – Ag Buffer)	**63**	39	24
Impervious Coverage allowed (Total - ESHA x 10%)	**10**	6	4

In conclusion, a maximum of approximately 63 acres (58 if one removed isolated "developable" areas; see Figure 7) of the 139-acre Area C site could be developed with non-agricultural uses and a maximum of 10 of these acres could be covered with buildings or pavement – and only *after* a finding was made that continued agricultural use was infeasible.

B. Illustrative Use Scenarios

If the agricultural conversion finding could be made, there are various options for other uses of Area C under current LCP policies. For purpose of analysis, three general future development scenarios that may be possible at this location are presented: continued open space use (i.e., agriculture), complete conversion to non-agricultural use, and partial conversion to non-agricultural use.

[16] All totals in acres.

Continued Open Space, Agriculture and Habitat (Existing Scenario)
The LCP's primary intention is that agriculture and open space/habitat uses remain on the site. This is illustrated through their designation as principally permitted uses. Since agricultural use remains feasible (see agricultural finding below), this is the most likely scenario under the current LCP. Three other provisions in the LCP bolster the unlikelihood of residential or industrial development occurring:

> *LUP Policy III.C.3(j) states that the City should work with other agencies and organizations by promoting acquisition of the upper portion of the West Branch of Struve Slough;*
>
> *LUP Policy III.C.3(m) states, "It is anticipated that market forces and development costs will delay development of this area until after the infilling of comparable lands east of Highway 1."*
>
> *LUP Section 5(B)(Area C) states in summary, "Without question any form of development of the site [Area C} would be difficult."*

Under this scenario of continued agriculture, there would be no structural developments, save maybe for a barn or storage shed. The number of site occupants should average no more than 50.[17]

Complete Conversion to Non-Agricultural Use (Maximum Development Scenario)
This maximum possible development scenario is based on the possibility that at some time the City would make the required findings to allow agricultural conversion. As stated above, such a conversion to a non-agricultural use would require finding that continued or renewed agricultural use is infeasible, or that such conversion would result in development near existing developed areas served by adequate public facilities. If such findings were first made, the maximum amount of nonagricultural development that would then be allowed under current LCP policies are as follows:[18]

Recreational
The LCP allows parks that provide passive recreation. The amount of paving and other structural development in a park is usually minimal; the site for example, could have parking, restrooms, and perhaps some trails. The number of people in a park on Area C could vary greatly depending on the type of park uses provided. However, it would be very unlikely to have more than 1,000 daily visitors; in reality the number would probably be far fewer.[19]

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[17] The current tenant employs 20 to 40 people (Emidgio Martinez phone conversation of 1/31/00); the UFW testified at a LAFCO hearing that a 90 acre strawberry parcel employs about 60 farm-workers or 2/3 worker per acre. Given 70 acres of farmland on Area C that would yield 47 workers. The City testified to a lower figure.

[18] For purposes of analysis only, a maximum intensity development scenario is presented based the maximum intensities of each of the Area C permitted uses. Since there are many categories of recreational and industrial uses, the calculations are representative of what *might* occur. The final discretion would be the City's through the coastal permit process.

[19] Since the land is situated between two wetlands and adjacent to the Department of Fish and Game Reserve, the most fitting use would be as a wildlife preserve. The current adjacent reserve is closed to visitors; so the use intensity is effectively zero. A brief survey of other open space preserves revealed estimated weekend users any where from 30 to 500 on sites ranging from 33 to 173 acres. A rule of thumb for a nature trail is 50 people per mile of trail (Albert Rutledge, *Anatomy of a Park*, 1971). Assuming a loop trail and with maybe some connections could yield two miles of

Residential

Residential development within the 98 acre development envelope would also need to meet parcel size, frontage, and buffering requirements. The LCP allows five acre homesites, and requires a parcel frontage of at least 330 feet. Approximately 19 homes could theoretically be built under these constraints. Any such homes would need to be adequately buffered from on-site ESHA (a minimum of 100 feet from wetlands and 50 feet from riparian areas) and adjacent agriculture. Though the City's LCP does not include an agricultural buffering provision, the required setback for the adjacent County agricultural lands per the Santa Cruz County LCP is 200 feet. Residential development brings with it its attendant pets, lights, noise, and activity. At three people per house,[20] there would be approximately 57 people on the site at any given time.

Industrial

As noted there are about 98 useable acres, leaving maximum impervious surface coverage of just under 10 acres (10% of that figure per policy III.C.3.a), that could be covered with buildings and pavement. According to *Watsonville 2005 General Plan* (p.44), industrial uses generate an average of 25 jobs per acre under current LCP. This means that there would be approximately 250 workers on the site.

The LCP does not completely dictate how siting of these uses would occur beyond the steep slope and setback limitations. In other words within the potentially buildable area shown in Figure 7, there would be some discretion as to siting any conditionally-approved uses. The LCP does require a minimum parcel size of 15 acres for industrial development and permits industrial uses within an "industrial park." One 15 acre parcel would have ample room to house all of the industrial development allowed (i.e., the 10 acres of impervious surface) in an industrial park setting. Given site constraints and infrastructure costs, it can be anticipated that likely only one industrial park would be developed on Area C, leaving the balance of the site in open space, including possible continued agricultural use.

Vocational School

One conditionally allowed use under the industrial park category is a vocational trade school. Vocational trade schools can vary greatly in size and type. In Santa Cruz County, for example, there are tax preparer, hairdresser, massage, and truck driver schools. Thus, some of these schools need little space for a

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trails on Area C, which is about 2/3 mile long. Thus, usage would be approximately 100 daily visitors. Another allowed use is a botanic garden. A 65 acre botanic garden in Santa Barbara gets up to 800 daily visitors on spring weekends.

The nearest comparable park (i.e., with wetlands as opposed to a beach or forested public park) is Pinto Lakes County Park, although somewhat larger (183 acres) and containing sports fields. Its estimated summer use is 250 visitors on Saturdays and 400 visitors on Sundays.

Although active recreational uses are not allowed under the Land Use Plan, golf courses and sports fields are examples of potentially more intensive uses listed as subcategories of land uses in the zoning ordinance. A nine-hole golf course needs approximately 55 developed acres and 20 natural area acres. A rule of thumb is a maximum of eight golfers per hole at one time. (George Fogg, *Park Planning Guidelines*, 1990) Thus, there would be a maximum of 72 golfers on the site. Baseball fields, for example, require 350 to 400 feet square. Given the configuration of the developable area, no more than 10 fields could be accommodated. At 50 players (2 teams of 25) per field the would be 500 players. These intensities could be even higher if spectators were included, but then the amount of fields would have to be reduced for parking and other amenities. Furthermore, that level use would be limited to non-winter seasons and generally weekends.

[20] Per the Watsonville General Plan p. 44.

classroom. Some, like the District's current Academy Vocational Institute, just require office space as students apprentice at local businesses or complete a home study course. If others require on-site facilities, such as a paved area to practice truck maneuvering, then the acreage requirements could be quite large. If the vocational school were public for high school age students, it would be subject to the same guideline as for any other public high school.[21] This would mean no more than 1,000 students.[22] If the vocational school were private, then the size limitation would be governed by parking. Under the City Municipal Code, one parking space per 3 students plus one per employee is required for trade, vocational and business schools. Assuming seven out of the available 10 impervious surface acres are devoted to parking at 320 square feet per space, and assuming a student instructor ratio of 25 to 1, then 2,550 students could be accommodated, subject to all other environmental constraints (see findings herein).

Partial Conversion to Non-Agricultural Use (Mixed-Use Scenario)

A third possible future scenario which would leave the balance of the site remaining in agricultural production is partial conversion to another, say for example, industrial use. As noted, the current LCP's allowance of conditional non-agricultural uses requires a minimum of 5 acres per residential unit and 15 acres for industrial development. Thus, there is the possibility that part of the site could convert to such conditional uses. Area C is currently made up of five separate parcels. This suggests that one or more separate developments of one type or another could be pursued by independent landowners with an investment backed expectation to develop on each respective site, while the others keep their land in agriculture. However, at this time all five parcels are in common ownership.

C. Conclusion: Use Intensities Under Current LCP

The current LCP allows for only agricultural use of Area C unless agriculture is determined to be infeasible. A little over half of Area C is currently in agricultural use. The portion that is not is composed largely of steep slopes and environmentally sensitive habitat areas where development is not allowed. There is a narrow strip of sloping land (roughly 100 feet by 1000 feet or 2 acres) east of the agricultural use and not explicitly prohibited from being developed adjacent to Harkins Slough Road. It's size, lack of services, and the LCP's visual policies would all serve to limit its development potential. It's most likely and encouraged use under the LCP would be for passive recreation, such as a park or open space preserve. There appears to be enough developable area under the current LCP to allow for some parking, restrooms, trails and other improvements to serve as a base to view the wildlife and scenic beauty of the West Branch Struve Slough wetlands. It would not meet minimum lot size for residential or industrial use.

The portion of Area C in agricultural use has historically been in that use with a recent change from grazing to cultivation. While the feasibility of continued agriculture might not have been apparent at the time that the policy was written two decades ago, at present, it is feasible to continue the use (see Agricultural finding below). However, for analytical purposes, if one assumes that a finding of infeasibility could be made at some point, then the site would have additional development potential under

[21] Letter from Department of Education February 1, 2000.

[22] Guidelines for 1,000 students are for 5.2 acres of parking and roads and 2.1 acres for hardcourts; which would leave 2.7 acres for building; guidelines for buildings are not shown separately, but are shown together with grounds (which could be mostly pervious surfaces); for up to 1000 students the guidelines are 6.2 acres.

the LCP. As discussed above and as summarized in Table 6, this development could take the form of residences, industry, parks, or vocational schools. The figures generated in this report should be taken as only gross estimates, subject to the following constraints (in addition to the finding of infeasibility to continue agriculture):

- As noted previously, the acreage figures provided have some potential degree of error; site sizes given by the County's GIS are smaller. Since the calculated intensities are derived from acreage multipliers, smaller acreages would reduce the calculated intensities.

- The development envelopes shown on Figure 7 are maximums. Their actual sizes and the sizes of any structures in them would be further constrained by the results of environmental review and application of all relevant LCP policies including those that relate to scenic resource protection (e.g., hide structures from Highway One, if feasible) and hazard avoidance.

- Any development would be subject to market considerations. The roughly isolated nature of the site and the lack of infrastructure are factors that may limit its development into some of the uses that the LCP allows. Furthermore, there may not be a demand for some of these uses or a demand for them at their maximum potential intensity.

D. Proposed LCP Policies

In total there are eight (8) proposed amendments to the Watsonville LUP and nine (9) proposed amendments to the Watsonville Implementation Plan. See Exhibit A.

1. Proposed LUP Policies

Proposed amendments to the Watsonville LUP include the following:

1) Amend Figure 1 of Section I to designate part of existing Coastal Area C to new Coastal Area F.

2) Amend Section II.A.2 by replacing the words "serve to concentrate development consistent with Policy 1," with "preserve prime agricultural land or concentrate development with Policy II.A.1."

3) Amend Figure 2 of Section II.D.1 to include a revised delineation of the environmentally sensitive habitat in new Coastal Area F.

4) Amend Section III of the Coastal Land Use Plan by inserting same text detailing permitted uses, conditional uses, performance standards, and criteria for non-agricultural use of Coastal Area C for new Coastal Area F, with additions and changes as listed below.

5) Amend new Subsection III.F.2 to add "Public school" as a conditional use in new Coastal Area F.

6) Amend new Subsection III.F.3.d to allow up to 50 percent maximum impervious surface in new

Coastal Area F.

7) Amend new Subsection III.F.3.f to allow development of areas with up to 25 percent slope in new Coastal Area F.

8) Amend new Subsection III.F.4 to change the criteria of conversion to non-agricultural use to circumstances where continued or renewed agricultural use is not feasible, or when such development would preserve prime agricultural land or concentrate development consistent with Policy II.A.1.

2. Proposed Implementation Plan Policies

Proposed amendments to the Watsonville IP include the following:

1) Amend Section 9-5.702 to allow the creation of Coastal Area F as the sixth separately designated coastal area of Watsonville.

2) Amend Section 9-5.703 by adding a new Subsection (F) stating principally permitted uses in new Coastal Area F. There is no change from the previously designated principally permitted uses for Coastal Area C.

3) Amend Section 9-5.704 by adding new Subsection (F) stating conditionally permitted uses in new Coastal Area F. The conditionally permitted uses are the same as the previous designation of Coastal Area C, with the exception of the addition of public schools as a new use.

9) Amend Section 9-5.705 by redesigning existing Subsection (f) to be "Subsection (g)" and by inserting the new Subsection (f) with the same text of Subsection (C) for Coastal Area C, detailing performance standards for new Coastal Area F, with additions and changes to such section as listed below.

4) Amend Section 9-5.705.f.3 to allow up to 50 percent maximum impervious surface in Coastal Area F.

5) Amend Section 9-5.705.i to expand upon criteria for agricultural use conversion by allowing such us which would preserve prime agricultural land or concentrate development consistent with Section II of the Land Use Plan.

6) Amend Section 9-5.705.f.4.ii to allow development of environmentally sensitive habitat areas less than 0.1 acre in size in Coastal Area F, provided that such areas are replaced at a minimum 2:1 ratio.

7) Amend Section 9-5.705.f.4.iii to allow development of areas with up to 25 percent slope in Coastal Area F.

8) Amend newly renumbered Subsection (g) to allow performance standards applicable to all areas to include the newly created Coastal Area F within such standard requirements

E. General Effect of Proposed Amendment

This section discusses the general effect of the proposed amendment, namely, to significantly increase the amount of development that could occur within the City's coastal zone over what is currently allowed. The specific coastal resource impacts of the proposed amendment are discussed in the Coastal Act consistency sections of this report.

1. Relationship of Proposed Amendment to Allowable Development

One proposed LCP policy modification, redefining the criteria for agricultural conversion, would apply to several parcels in Watsonville's coastal zone, as discussed below. The other proposed changes to LCP policies and maps would apply only to proposed new coastal Area F. Current policies discussed above would still govern the remainder of Area C. For analysis purposes, the following discussion is predicated on the City being able to make the proposed more liberalized finding of allowing a complete conversion of agricultural land.

A. Agricultural Policy Change

The proposed amendment would add one additional criterion to allow agricultural conversion in policy II.A.2 that is said to affect all areas. The current two criteria are "continued or renewed agricultural use is not feasible" and new "development would serve to concentrate development." The added criteria would be "to preserve prime agricultural land." However, at most, this may only apply to Areas A and B. This is because Areas D and E are developed and because there are existing, site-specific conversion policies for Areas B and C.

Area A

Area A already contains a yard waste mulching operation (which is a principally permitted agricultural use) and a golf range. Because these are not structural uses, because policy II.A.2 applies to "lands suitable for agricultural use," because the yard mulching operation is an agricultural use, and because the lands once were previously grazed, the policy, as amended, could apply were there a proposal for a different project. However, given that a non-agricultural use has already been allowed and given the site characteristics, having the additional available conversion criteria should not be material. The only other category of permitted use on Area A is open space recreation.

Area B

For Area B the only non-agricultural use allowed is visitor-serving. To permit it requires a finding that continued agricultural use is not feasible. The site is former grazing land that is not now in agricultural use. The larger of the two vacant parcels comprising Area B has a coastal permit for a 100-unit motel that has been extended since 1989. Assuming that a new project was proposed for Area B and the site had not been returned to an agricultural use, then the two existing and one proposed criteria of Policy II.A.2 would apply, because the site, although not in agriculture, would be suitable for agriculture. Thus, the City would

have more latitude in being able to approve the proposed use with the amendment, since the amendment would add another criteria to allow conversion.

Area C

The same reasoning would apply to the remainder of Area C that is not proposed to become Area F. This is because the specific, more limiting policy for Area C not being proposed for amendment would still apply ("non-agricultural use may be permitted only if continued agricultural use is demonstrated to be infeasible" – Policy II.C.4) over the more general policy II.A.2. Again, this latter policy would only apply were agricultural use to have ceased on the site prior to a development application.

Table 4: Agricultural Conversion Criteria

Applicable Conversion Criteria by Coastal Zone Area	Continued or renewed agricultural use infeasible	Development preserves prime agricultural land	Conversion concentrates development
Area A: golf driving range and composting facility; former grazing land	Under current LCP and amendment	Under amendment only	Under current LCP and amendment
Area B: permit for 100 unit motel and small vacant parcel; former grazing land; if site were vacant at time of a development proposal.	Under current LCP and amendment	Under amendment only	Under amendment only
Area B: if site were in agricultural use at time of a development proposal.	Under current LCP and amendment	Not a criteria	Not a criteria
Area C to become Area F current strawberry field	Under current LCP and amendment	Under amendment only	Under amendment only
Proposed **Area F** portion of Area C: current strawberry field	Under current LCP and amendment	Not a criteria	Not a criteria

The situation for the proposed Area F would be different under the amendment, which would set the criteria for conversion to be the same as policy II.C.4. Thus, the proposed amendment represents a more liberalizing threshold for allowing a conversion from agriculture. For example, if it were found that continued or renewed agricultural use of the site was still feasible, a conversion could still be allowed if the City made a finding that the conversion resulted in preserving prime agricultural land or in concentrating development. Since the LCP states that "there is no prime land in the City's coastal zone"

presumably a finding for developing this site could always be made as it would be an alternative to developing prime land elsewhere.

B. ESHA Redelineation: West Branch Struve Slough

The proposed redelineation of the portion of West Branch Struve Slough would result in only 29 acres of mapped ESHA instead of the 37 acres ESHA identified in the LCP for the West Branch (see Figure 8). The acreage of the 100 foot ESHA buffer would be reduced slightly. Since ESHA, wetlands and the LCP-required 100-foot wetland buffer cannot be developed, the effect of this part of the amendment would be that the amount of area that could be developed on the site would be greater by approximately 8 acres.

C. Other Wetland Redelineation and Fill

There are three other smaller wetland areas on Area C. One is an approximately 1.5 acre wetland finger of Hanson Slough outside of proposed Area F. It would not be affected by the proposed amendment. The second is another finger of Hanson Slough. It is almost 3 acres and would require a 100 foot buffer of 5 acres. The proposed amendment first shows a redelineation of this wetland to only less than 0.1 acre and then includes a policy change to allow filling of ESHA smaller than 0.1 acre. Thus, the effect of the amendment would be to increase the development envelope by approximately 8 acres. The third wetland area was not previously mapped in the LCP but was mapped during the EIR process for the new high school. It is also shown as just under .1 acre and so it could be filled.

D. Slope

The proposed performance standard change to allow slopes from 15 to 25% to be developed would affect approximately 10 acres. Also, an additional acre that was surrounded by undevelopable land would no longer be.

E. School Use

The proposed amendment would add “Public School” as an allowable conditional use for proposed Area F. As previously noted, there is a specific proposal for a public high school of 2,200 students, but the amendment is more general in just allowing a public school on the site, without specifying size or other parameters. However, there are State Guidelines that give a fair indication of what size school could go on proposed Area F. Assuming 62 available acres, this could support, for example, a 2,800 student high school, or a 900-student middle school and a 1,600-student high school (see Table 2 above). A 2,800 student high school would typically consist of eight outdoor field areas, 13 hardcourt areas, and eight apparatus areas. These physical education facilities would cover 28.9 acres, Buildings and grounds would cover 17.7 acres, and parking and roads would cover 14.2 acres under proposed revised State guidelines. Under current guidelines even more students would be acceptable on a 62 acre site. On the other hand the Commission recognizes that PVUSD has already performed a site-specific analysis and environmental review and concluded that it would develop only 55 acres. Still, 55 acres is sufficient to support at least 2,400 high school students, even under the proposed revised State guidelines.

2. Increased Intensity of Development as a Result of the Amendment

The proposed amendment would significantly weaken the LCP resource protection goals. Assuming the City made findings to allow a conversion of agricultural land, the amendment components to allow wetland fill, to redelineate habitat, and to allow development on steeper slopes would combine to result in more potential development of the site because much of the site now cannot be developed due to presence of wetlands, ESHA, steep slopes, and impervious surface limitations. Any of the previously described allowable LCP uses for the site would be allowed to develop within new proposed Area F at this higher level of intensity.

A. Increased Maximum Amount of Development Area and Maximum Coverage

Under the proposed amendment the acreage calculations for both the development envelope and the maximum impervious surface coverage would change. The new parameters for proposed 76 acre Area F would remove ESHAs only over .1 acre that have been redelineated (-4 acres), 100 foot ESHA buffer (-7 acres), slopes greater than 25% (-2 acres), and property setbacks (generally 20 feet wide or 1 acre). The parameters for the remaining 63 acre Area C would remain as before: ESHA (- 27 acres), 100 foot ESHA buffer (-4 acres), slopes greater than 15% (-11 acres), and property setbacks (generally 20 feet wide or 2 acres). The resulting buildable area (after accounting for overlapping constraints) would be 62 acres on Area F and 24 acres on remaining Area C or a total of 86 acres on what is currently Area C. See Figure 8 and Table 5.

The second calculation, for the maximum amount of impervious surface under the proposed amendment would also change. For proposed 76 acre Area F, the calculation would be based upon the new total acreage (76 acres), minus the propsoed Area F ESHA acreage (4 acres), multiplied by 50%; a maximum total of 36 acres of impervious surface coverage. For the remaining 64 acres of Area C, the calculation would be based upon the remainder total acreage (63 acres), minus the remainder ESHA acreage (27 acres), multiplied by 10%, for a total maximum of 4 acres of impervious surface coverage. The result is 36 acres on Area F and 4 acres on the remainder of Area C, or a total allowed impervious surface coverage of 40 acres on what is currently Area C.

In conclusion, the proposed amendment increases the development envelope on all of Area C from 63 acres to 86 acres or 137% of that currently allowed. It increases the maximum allowed impervious surface coverage on all of Area C from 10 acres to 40 acres, 4 times what is currently allowed.

Table 5: City-Proposed LCP Development Constraints[23]

	Total Area C	Proposed Area F	Remainder of Area C

[23] All totals in acres.

Total acres	**139**	76	63
ESHA (habitat) mapped	**31**	4	27
Steep Slopes (>25% on F, >15% on remainder of C)	**13**	2	11
Buffers to Adjacent Agricultural Land (i.e., 20' rear yard setback)	**3**	1	2
Buffers to ESHA	**11**	7	4
Developable Area (Total – ESHA – Slopes – ESHA Buffer – Ag Buffer)	**86**	62	24
Impervious Coverage allowed (Total - ESHA x 50% for F, x 10% for remainder of C)	**40**	36	4

Table 6: Difference in Development Constraints Between Existing and Proposed LCP

	Change in Total Area C		**Change in proposed Area F portion of Area C**	
	Total acres	Percent increase/ decrease	**Total acres**	Percent increase/ decrease
Total acres	0	0%	0	0%
ESHA mapped	**-10**	-24%	-10	-71%
Steep Slopes (>25% on F, >15% on remainder of C)	**-9**	-41%	-9	-82%
Buffers to Adjacent Agricultural Land (i.e., 20' rear yard setback)	**0**	0	0	0
Buffers to ESHA	**-5**	-31%	-5	-42%
Developable Area (Total – ESHA – Slopes – ESHA Buffer – Ag Buffer)	**23**	37%	23	59%
Impervious Coverage allowed (Total - ESHA x 50% for F, x 10% for remainder of C)	**30**	308%	30	481%

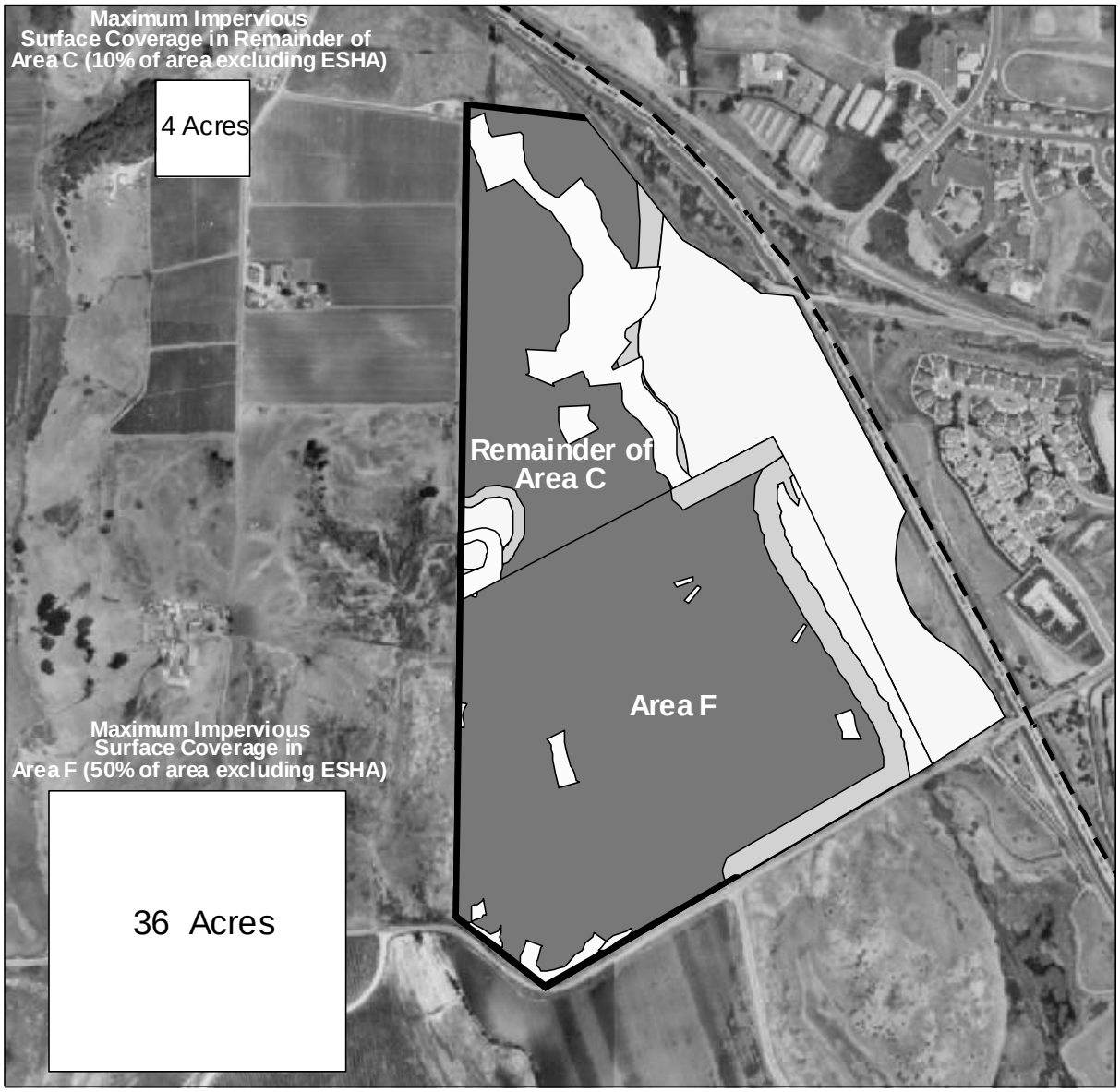
B. Illustrative Use Scenarios Under the Proposed Amendment

Under the proposed amendment, there would be a slight increase in development if the site were to be used residentially. Since the mapped ESHA has been reduced by ten acres, two more homes could be built. The use intensity for a park should remain about the same. Following are two possible scenarios describing development that could occur under the amendment.

School on Area "F" and Industrial Development on Remainder of Area C Scenario

The proposed amendment would result in more surface coverage, as described above and more intensive

Figure 8: City-Proposed LCP Development Constraints: Area C



N
500 0 500
Feet

Agricultural (i.e. rear yard) Setback (20')
Proposed ESHA
Proposed ESHA Setback
Steep Slopes[r]
Proposed Developable Area [rr]
Coastal Zone Boundary

[rr] Area F: Only if "(1) continued or renewed agricultural use is not feasible, or (2) such development would preserve prime agricultural land or concentrate development consistent with Policy II.A.1." (Proposed LCP Policy III.F.4) Remainder Area C: Only if "continued agricultural use is demonstrated to be infeasible." (LCP Policy III.C.4)

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

[r] 25% or Greater in Proposed Area F
15% or Greater in Remainder Area C

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

Technical Services Division
California Coastal Commission

GMB, JVC 2/00

site use if a school is developed on proposed Area F and industrial development occurs on the remainder of the site. Additionally, a school is likely to have a larger development envelope by virtue of the fact that it contains more pervious, but developed, areas for playfields, landscaping, and the like.

With regard to intensity of development: about 100 workers would be employed in remainder area C. A school could have up to 2,800 students plus 190 teachers and other staff.

The nature of the use would also be different if the site is developed for a public school. Students, teachers, employees, and visitors would need to make their way to the school and around the campus. During breaks in classes and after school, or during sporting events or other after-school activities, persons would be active on and around the campus. Public schools include such activity five days of the week for much of the year (PVUSD operates on a year-round schedule.). There may also be weekend events and recreational use of the grounds, including scholastic football games which could draw large crowds Such a major facility may also be available for other community uses (e.g., disaster relief center).

Industrial Development Scenario

As noted, the proposed amendment applies to all types of permitted uses of the site. If for some reason the site was not used for a public school, it could be developed with the industrial uses listed above. In that case, there would still be 30 more acres of (or 4 times more) impervious surface coverage, but only about 1,000 workers employed on site.

C. Conclusion: Comparison of Proposed and Current LCP Use Intensities

In general the proposed amendment would increase the potential intensity of use on Area C. Again, assuming that agricultural conversion findings could be made, there would be more impervious surface coverage and more area subject to development. The resulting number of people on the site would be greater. The figures presented give a rough idea of magnitude for comparison purposes, but are subject to the same caveats as described in earlier.

Table 7: Intensity of Use Under Different Development Scenarios

Development Scenario	Current LCP		Proposed Amendment	
	Coverage	People	Coverage	People
agriculture/habitat	negligible	60 workers	negligible	60 workers

parks, passive recreation	Parking, trails, etc.	Up to 1,000 visitors on peak days	Parking, trails, etc.	Up to 1,000 visitors on peak days
residential	19 houses	57 residents	21 houses	63 residents
vocational school	3 acres building; 7 acres parking	2,550 students; 102 teachers	12 acres buildings; 28 acres parking	10,200 students; 408 teachers
manufacturing	4 acres buildings; 6 acres paving	250 employees	10 acres building; 16 acres paving	1000 employees
school on 76 acre Area F & manufacturing on 63 acre remainder Area C	Not allowed	Not allowed	20 acres buildings; 20 acres paving	2,800 students 190 staff 100 employees 3,090 persons

The addition of public schools as a permitted use, coupled with the increased impervious surface and development envelope areas, represents a potentially significantly greater intensity of use (over what the LCP currently allows) than is reflected in the calculated numbers for the following reasons:

- A public school, in contrast to most of the other allowed uses under the current LCP, makes active use of pervious surfaces in the form of athletic fields, and at least five days per week (i.e., the entire development envelope will be actively used);

- The only other allowed use category that could develop throughout the allowable envelope (i.e., involve pervious surfaces) would be passive recreation. In contrast to a public school such use would be of lower intensity with heaviest use only two days per week (i.e., the weekend);

- A public school, by virtue of being public, offers intensive use opportunities at almost any time in the form of various indoor and outdoor community events;

- A public school will require a complete infrastructure; including off-site utility and road improvements; public funding will be made available to develop the necessary infrastructure. There is not the same likelihood of scaling back intensity to the level of available or economical infrastructure that there is for the other uses allowed under the current LCP.

3. Other Effects of the Proposed Amendment

The described amendment and the resultant potential development scenarios have negative impacts both on and off the site on habitat, agriculture, water quality, and views. Additionally, the increased magnitude

of allowable development may bring with it more urban aspects to the site, such as public services and utilities. Thus, the amendment would result in potential projects that further destabilize the urban-rural boundary and induce growth west of Highway 1, as described in the next section of this report.

3. Coastal Act Consistency

A. Standard of Review

1. Required Findings

The standard of review for proposed modifications to the City's LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the City's IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance on a parcel by parcel level.

2. Relationship of Proposed Amendment to PVUSD's 3rd High School

As discussed, the proposed LCP amendment has been prepared to allow a specific proposal to move forward – a public high school. Therefore, the Commission can use the extensive information developed for that proposal in considering the amendment request. However, the Commission can only use the specific high school proposal as an example of what could occur under the amendment. More important, review by the Commission cannot be limited to examining only the proposed high school as described in the final EIR for the following reasons:

First, construction of the high school is not yet assured. Pajaro Valley Unified School District (PVUSD) does not yet own the land on which the third high school has been proposed. Because there is an unwilling seller, PVUSD has commenced eminent domains proceedings to acquire proposed Area F. This suit has not yet been decided. PVUSD must also secure funding for the school. It currently has an application on file with the State Office of Education for $45 million. Also, if any work takes place in the Harkins Slough Road right-of-way, a coastal permit will be required from Santa Cruz County. PVUSD has submitted an application to the County for road widening. Road expansion into West Branch Struve Slough will most likely require Section 404 permit from the U.S. Army Corps of Engineers, Section 1601 Stream Alteration permit from the State Department of Fish and Game, and Section 401 certification form the State Water

Resources Control Board.

Second, the high school proposal could change, especially as the result of funding constraints, i.e., there may not be money to build all of the elements of the proposal shown in the EIR and project plans to date or the state may disallow funding for all of the elements (for example, Scotts Valley High School recently had to cut back due to lack of funds) or the District's plans and priorities could change as a result of reorganization (recently the District split into three zones and there is a proposal to split it into two districts). Also, the high school itself will be subject to a coastal permit issued by the City of Watsonville. During such consideration certain design details may emerge or change in response to public hearings and the need to ensure consistency with the City's local coastal program and other ordinances and requirements.

Third, the high school could change either before it is built or in the future, even if built as currently planned. For example, there could be future growth at the school; the EIR is based on 2,200 students, but future population growth could increase that number and under the amendment more building could occur than currently planned. As noted, this has happened at the PVUSD's two existing high schools both of which exceed their initial design capacity. The current design shows 18 acres of impervious surface whereas the proposed LCP amendment would allow up to 36 acres, or twice as much. Also, proposed revised state guidelines say that 52.7 acres is sufficient for 2400 students and the developable site is at least 55 acres. This suggests that at a minimum another 200 additional students could be accommodated on the site. Also, as noted, these are only guidelines. Furthermore, as noted above the current project is below the maximum parameters of the proposed LCP amendment, which contains no cap on student body size. Thus, a different school design could be applied for (assuming a revised or supplemental EIR). Table 2 illustrates the various suggested sizes of a public high school given various available acreages.

Fourth, if the school doesn't happen, then the other conditional uses could be allowed at the increased intensity that the proposed amendment would allow. In other words, the proposed LCP amendment doesn't increase allowable coverage for schools only.

In conclusion, the Commission notes that this amendment is a general one to facilitate a high school which may or may not be built, and if built, which may or may not resemble the plans currently available. If the PVUSD wishes to advance its high school proposal, then after approval of an LCP amendment allowing such a proposal, it would have to submit a coastal development permit application to the City of Watsonville (and possibly one to the County of Santa Cruz as well, for any ancillary improvements that would be in the County). The permit would be subject to specific conditions to ensure that all of the relevant LCP policies are implemented. The local permit decision would be appealable to the Coastal Commission because public schools and infrastructure are major public works and additionally because part of the site is within 100 feet of wetlands.

B. Coastal Act Issues Raised by the Proposed Amendment

The proposed LCP modifications would allow for more intensive development of Area C (within proposed Area F) on the primarily undeveloped lands west side of Highway One currently dominated by agricultural fields. As such, the proposed amendment raises core Coastal Act issues regarding concentration of development and maintaining stable urban-rural boundaries; preservation of coastal agriculture; the protection of ESHAs, including wetlands, and the protection of the scenic and visual qualities of coastal areas. These issues are discussed in the findings below.

Although the proposed LCP modifications would allow for a *general* increased development intensity applicable to any conditionally permitted use, the reality is that the PVUSD has proposed a 213,000 square foot, 2,200 student high school project. This proposal has in large measure shaped and driven the LCP amendment proposal currently before the Commission. As such, the issues discussion below indicates some of the expected resource impacts associated with the proposed high school project that would be enabled by the proposed LCP amendments. The Commission notes, however, that the high school is just one of many more intensive developments that would be enabled by the proposed amendments. Thus, the impacts of the high school, while illustrative, do not necessarily encompass all potential impacts of the proposed LCP amendments.

1. Development and Public Services

The Coastal Act directs development to be concentrated in appropriate areas, and public services to be designed and sized so as not to induce urban growth in inappropriate rural agricultural areas. Area C is currently agricultural and wetlands without urban services and is located in a rural agricultural area of Santa Cruz County. The proposed amendment retains provisions that state Highway One is the urban-rural boundary in the vicinity of Area C, but allows for possible public water and wastewater line extensions into Area C, as long as County property is not assessed to pay for them. The effect of the amendment will likely be the extension of public services and road improvements into Area C that would have capacity to serve additional development beyond Area C. The amendment is thus inconsistent with the Coastal Act in that it allows urban development beyond the urban-rural boundary and makes no attempt to impose a new stable urban-rural boundary. A modified amendment can be approved that limits intensified development of Area C to a public school only, with limitations on the design and size of the public services to it, and strict controls and agreements to prevent any further urban development or service extension beyond the site.

A. Coastal Act Development and Public Services Policies

General development siting and public service issues are mainly the purview of Coastal Act Sections 30241(a), 30250, 30252 and 30254.

Coastal Act Section 30250 states:

> ***Section 30250(a).*** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
>
> ***Section 30250(b).*** *Where feasible, new hazardous industrial development shall be located away from existing developed areas.*
>
> ***Section 30250(c).*** *Visitor-serving facilities that cannot be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Coastal Act Section 30252 states:

> ***Section 30252.*** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Coastal Act Section 30254 states:

> ***Section 30254.*** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route l in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

The Coastal Act also speaks to the need to maintain stable urban-rural boundaries to minimize conflicts between agricultural uses and urban uses. Coastal Act 30241(a) states:

> ***Section 30241(a).*** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following: (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

In general, Chapter 3 of the Coastal Act establishes clear parameters for the location, intensity, type, and design of new development in the coastal zone. First and foremost, Section 30250(a) requires that new development be concentrated in and around existing developed areas with adequate development capacities. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources. Generally, public works such as water, roads and sewer systems, must be sized to serve planned development. Highway 1, though, must remain a two lane scenic road in rural areas under section 30254.

The Coastal Act also establishes a set of priority uses that operate within the locational and resource constraints for new coastal development. For example, if public services are adequate to support only a limited amount of urban growth, land use potential must be first allocated to coastal dependent uses, essential public services and vital industry, public and commercial recreation, and visitor serving development (Section 30254). The Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, but not at the expense of agriculture or coastal-dependent industry (Section 30222).

There are only limited exceptions to the general development requirements of the Coastal Act. Hazardous industrial development may be located away from developed areas (Section 30250(b)); and coastal-dependent industry may be permitted outside developed areas if other locations are infeasible or environmentally damaging, and the effects of such development are mitigated (Section 30260). Under Section 30250(c), visitor-serving facilities may also be located outside of urbanized areas, but only if urban locations are infeasible for such development. Visitor-serving facilities must also be located in existing isolated development nodes or at select points of attraction for visitors.

Adequate separation between agricultural and urban uses is required. Overall, these requirements reflect a fundamental goal of the Coastal Act: to protect coastal resources by limiting new development to existing developed areas.

B. Existing and Proposed LCP Development and Public Services Policies

The previous section of this report has already outlined the proposed change intensity of use (basically

more site coverage and more people on Area C) and the change in the type of use (public school added as a permitted use at this greater intensity level). Policy II.A states,

> *New development shall be located within, contiguous with, or in close proximity to existing developed area able to accommodate it and minimize energy consumption and vehicles miles travelled. However, visitor serving facilities that cannot feasibly be located in existing developed area may be located at selected points of attraction for visitors.…*
>
> *Effect on Development: A similar policy exists in the City General Plan. This has the effect of discouraging "leapfrog" development and premature or excessive extension of streets and utility lines."*

With regard to the urban-rural boundary, the current LCP states that Highway One "serves that purpose now, with the exception of the industrial area at the crossing of Beach and Lee Roads." The proposed amendment contains no change to these wordings.

Despite this language regarding the urban-rural boundary, the current LCP does allow for the possibility of sewer and water extensions in Areas B and C. The currently approved LCP policies regarding new or expanded water and wastewater would continue to apply to proposed Area F for its new use (public school) or for intensified industrial uses, as allowed by the proposed amendment. The proposed amendment contains no changes to these provisions. These provisions include a verbatim part of the second sentence of Section 30254, "Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with the preservation of agricultural land and other coastal resources." This LUP policy (LUP Policy II.C) is reinforced by performance standard LUP Policy III.C.3.l specifically applicable to the subject site: "Sewer service will probably not be required if the site is developed at the recommended densities and a septic tank system is proven feasible. If sewer service is provided, it must be financed in a way which does not require assessments against properties along Lee Road outside of Area C, or against any agricultural property."

Text in the currently certified LUP explains the effects of these provisions on future development in these two quotations:

> *The large lot sizes are intended to …allow the provision of adequately-sized septic tank leaching fields…Utility systems are encouraged not to be extended along the Lee Road [corridor] from Area C in order to avoid growth-[inducing] impacts on the west side of the road…(LUP, p. 18)*
>
> *The cost of extending improvements such as a sewer pipeline along Lee Road to serve Area C will not be assessed against abutting property owners except as determined by the County to be consistent with its LCP. (policy II.C)*

C. Background: History of Urban-Rural Boundary and Current Setting

The proposed amendment threatens the stable urban-rural boundary historically defined by Highway One in the vicinity of Area C.

1. Lack of Urbanization in Areas A, B, and C

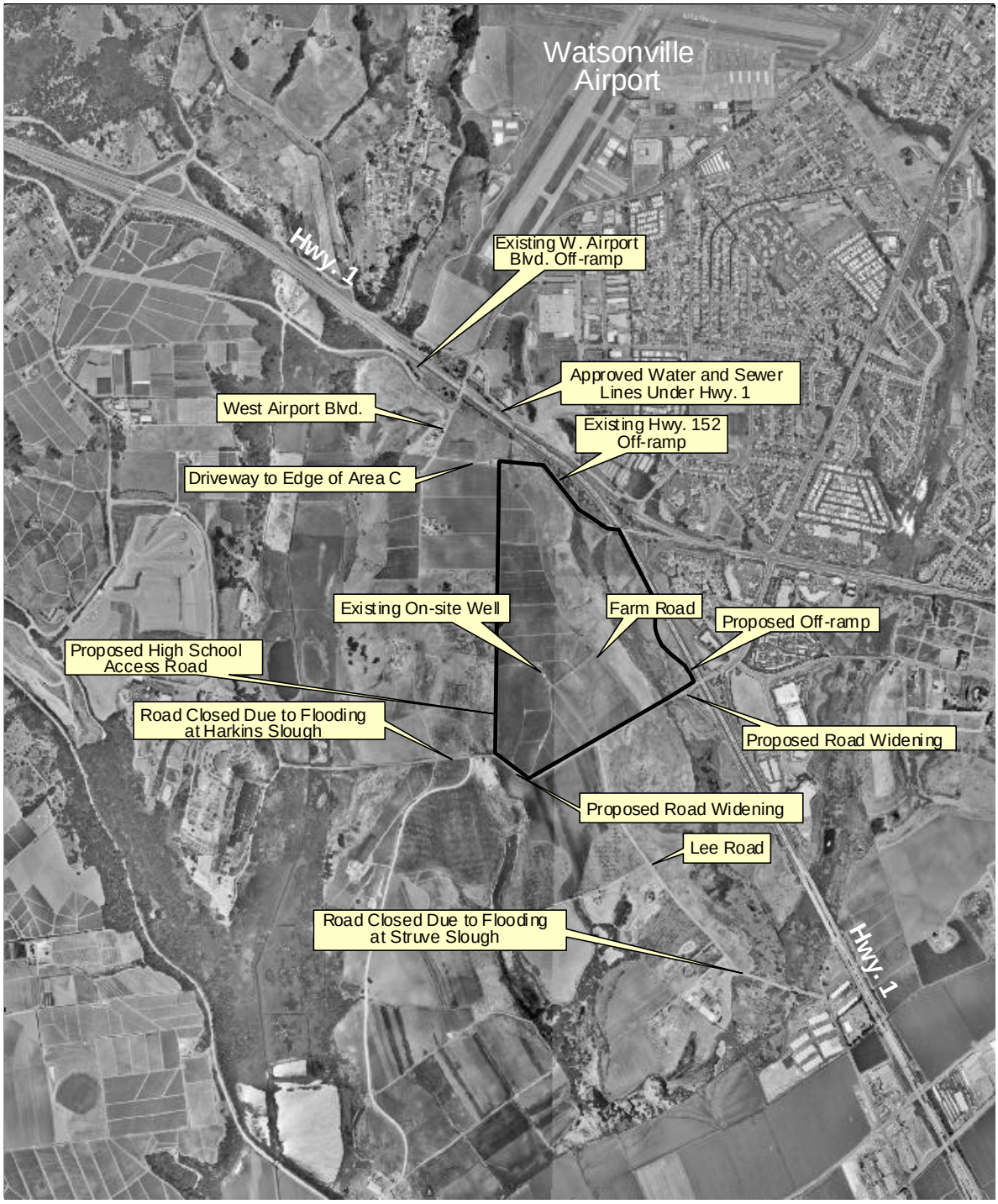
Areas A, B, and C remain rural in nature in both the uses they support and their lack of urban services. Sewer and water do not yet cross Highway One to serve any of these areas. There is a developed off-ramp at Rampart Road that provides ready freeway access to Areas A and B. There is no off-ramp serving Area C. Road access to Area C is currently quite limited. The main access is provided by Harkins Slough Road from across the Highway. Past Area C to the west, Harkins Slough Road is flooded by Harkins Slough proper the majority of the year. When it is not flooded in some summers, Harkins Slough Road connects through to Buena Vista Drive to the west. Lee Road also connects through to Harkins Slough Road form the south. Lee Road, however, is likewise oftentimes flooded by the West Branch of Struve Slough. As of the date of this staff report, both of these roads were closed due to flooding. In addition, Harkins Slough Road has been known to be flooded immediately west of the Highway by the West Branch of Struve Slough. During the recent February 2000 rains, Lee Road was flooded and Harkins Slough Road was flooded at both ends. Since there is no public road access to Area C from West Airport Boulevard, Area C was not accessible by vehicle at this time. Although the flooding immediately west of the Highway has since subsided, Lee Road at the West Branch of Struve Slough and Harkins Slough Road at Harkins Slough remain flooded as of the date of this staff report. See Figure 10.

2. Commission Action and LCP Provisions

Given this rural area without public services, the Commission has consistently recognized Highway One as the urban-rural boundary within Watsonville's coastal zone; urban on the inland side and rural on the ocean side. In considering whether the coastal zone boundary should be changed, the Commission found that Highway One through Watsonville was the most stable urban-rural boundary.[24] This determination was repeated in the Commission's findings for certification of the City's LUP, on December 2, 1982: "Since its construction Highway One has functioned as an urban/rural boundary on the western edge of Watsonville." The Commission findings of December 2, 1982 further state that, "the Commission recognized this line in its decision to deny a permit for a recreational vehicle park in Area B in 1977 and in requiring that sewer services not be extended into the City's Coastal Zone areas as a condition of approving a permit for a wastewater treatment plant expansion in 1981." In approving the permit for the wastewater treatment plant expansion the Commission found, "that abandonment of Highway One as a stable urban/rural boundary by permitting development west of it could have adverse impacts on agriculture and sensitive habitats." The Commission further found, "that such development could only occur after the LUP process had examined the cumulative impacts which could result and could propose appropriate land use intensities which could be found consistent with the Coastal Act."

[24] Coastal Commission hearing April 18, 1979.

Figure 10: Selected Public Services in Vicinity of Area C



- NOTE -
Locations approximate.
For illustrative purposes only.

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— Area C

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

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As noted the City's certified LCP states that Highway One "serves that purpose [of an urban rural boundary] now, with the exception of the industrial area at the crossing of Beach and Lee Roads." This approximately 75 acre area west of the Highway within the City limits was removed from the Coastal Zone in 1979 by the State Legislature. It is currently developed with industry and a new hotel and is served by public utilities.

With regard to the City's land west of Highway One that remain in the coastal zone, the LCP provides for continued agricultural use of Area C as well as recreational use, which fall within the rural category. It also allowed for the possibility of more intensive uses, if continued agricultural use proved infeasible. The Commission concluded that, "proposed land use densities for Area C, 1 du/5 acres residential and minimum lot size of 15 acres, 10% lot coverage, are low and therefore will minimize impact on the area's resources." The conditional uses, as limited by the certified LCP, either fall into or at least are not inconsistent with the rural category. For example, residential use on five acre parcels is a rural use. Many of the other uses shown, while they can be considered and located in urban settings also appear in (and are compatible with) rural settings; this is especially true were they to be agriculturally-related (such as farm machinery service, food distributors, and farm machinery sales). As a further assurance that adjacent agriculture will be protected and that the area is not to be considered urbanized, the certified LCP states, "[t]he foregoing requirements will cluster development within the high, gently sloping terrace which runs along the middle of Area C where it can do the least damage to the low-lying environmentally sensitive areas, and protect the sensitive areas with buffer areas and dense plantings." This would also serve to buffer adjacent agricultural land. The certified text goes on to state that, "[t]he large lot sizes are intended to limit the populations of people and domestic animals in close proximity with the sensitive habitats." This too has the effect of minimizing conflicts with adjacent agriculture and supports maintaining the rural nature of the area.

3. Urbanization Initiatives Beyond the Urban-Rural Boundary

Despite the Commission's policy and LCP's acknowledgement of Highway One as the urban-rural boundary, there have been several incremental attempts to extend urbanization west of Highway One. As noted, the City approved permits for a hotel on Area B with a new sewer and water line crossing under Highway One to serve this site. Agriculture is the principle permitted use of the site; visitor serving commercial is the only conditional use allowed. In order to do this, the City had to find under LUP policy III.B. that the proposed facility could not be located in a existing developed area and continued agricultural use was infeasible.

In 1996 the City established an Enterprise Zone throughout a large portion of the City, including coastal zone Areas A, B, and C, to encourage economic growth and job development. The City also recently extended its Redevelopment Area to cover Area B and a portion of the Rampart Road and Highway One rights-of-way within the coastal zone. Redevelopment is touted as a way to bring public services into these areas. The Commission staff has expressed concerns about the growth inducing impacts of both of these actions. [25] As noted, the PVUSD has already secured Department of Education and State Architect approval of a high school on Area C that is to rely on public service extensions.

Beyond the current City limits, the City was active in pursuing urbanization of at least 850 acres of unincorporated Santa Cruz County lands in the coastal zone west of Highway 1. The City's Local Agency Formation Commission (LAFCO)-approved sphere of influence (the area defining lands eligible for annexation into the City) is currently coterminous with the City's western boundary. Notwithstanding this boundary, the City's General Plan (adopted in 1994) identifies an urban limit line west of the highway that allows for future growth in the coastal zone. These proposed growth areas include approximately 185 acres west of the Highway adjacent to or in the vicinity of Area C. See Figure 9. The City applied to LAFCO to expand its Sphere of Influence to encompass this land. Such a request is a pre-requisite to

[25] Commission's August 12, 1996 letter to Charles Eadie, City of Watsonville; Correspondence to City, Jan. 13, 2000.

annexation and urban level development. However, in 1997, LAFCO deleted this area west of the Highway from its approval of a sphere extension. Expanding the sphere in the coastal zone was not approved primarily over concerns for preserving coastal agriculture and wetlands.[26]

A further sphere extension request was also in the works for 646 acres of coastal zone property adjacent to Area C, known as the Tai property (see Figure 9). Approximately 1,800 homes, a school, golf course, and other uses were envisioned for Tai. In 1997 the City passed a resolution adding this area to the General Plan-defined urban limit line for the City. However, two years later, after an adverse court ruling, the resolution was rescinded. Most recently, the City has been considering removing the Tai property from the special study category in its General Plan.

D. Analysis of Consistency With Coastal Act Development and Public Services Policies

1. Introduction: Proposed Amendment's Effect on Development and Public Services

If approved, the proposed amendment would no doubt result in a change in the provision of public services west of Highway One. The type and intensity of development allowed under the amendment is almost certainly guaranteed to bring with it urban water, public sewers, and improved roads with sidewalks, lighting, drainage, and so forth. Since a new school would most likely be desired to be a state-of-the-art-facility and also serve other functions (e.g., available for community events and disaster use), the Commission must assume that a full range of such services would occur as a result of this proposed amendment.

New Sewer Line

The proposed amendment will increase the allowable intensity of development and authorize a type of use on the subject site to a level that will most likely require a full range of public services. For example, if a 2,200 student public school occurs, it will generate 45,200 gallons of wastewater that must be treated. Were on-site treatment to occur using a septic system, a leach field size of about 5 acres would be required, according to Santa Cruz County standards. Given this large acreage requirement, slow soil percolation, City policy to require sewer system hook ups, and state funding and preference to do so, a sewer line extension is almost a guaranteed result of the amendment. In fact, though not before the Commission at this time, the City has already prepared plans to install an 8" sewer line under Highway One and along Harkins Slough Road. This is in addition to the aforementioned approved sewer line under Highway One to serve Area B.

New Water Line

Similarly, a public water supply extension will likely occur as reliance on an on-site well would require a

[26] LAFCO Staff Recommendation August 28, 1997.

separate treatment facility to make meet school drinking standards. In fact, again though not before the Commission at this time, the City has also prepared plans for a 14" water line extension under Highway One to serve the proposed school site at Area C. This is in addition to the aforementioned approved water line under Highway One to serve Area B. The City has provided information indicating the water quality is not suitable for potable use and that a school on the site would cover the area of the well. Other utility and public extensions would include telephone, street lights, electricity, and cable service.

New Roads and Parking

In the case of a public school being constructed on Area C, there are likely to be the following road projects: widening of Harkins Slough Road, additional access to the site, and pressure for the completion of a new off-ramp from Highway One.

The current limited access is sufficient to accommodate continued agricultural use in the area. The limited amount of development currently allowed by the LCP is not likely to require increased level of road service. The range of non-agricultural, conditional uses, while diverse in terms of potential road access requirements, is constrained by Area C performance standards. This limiting factor implies a correspondingly low level of pressure to widen roads and increase road amenities such as sidewalks and lights.

However, an increase in the amount of allowable development as would result from the proposed amendment, has much the opposite effect. More development brings with it the need for larger roads, more traffic controls, sidewalks, and other associated improvements. A much greater level of automobile access than currently exists will be required due to the potential for large sporting events and/or other school-type functions and special events at a school, the fact that the nearest transit stop is ½ mile away and the transit district has no plans to extend service to Area C, and the fact that Area C is not within walking distance of most population concentrations.

Harkins Slough Road Improvements

The City has already prepared plans for submittal to Santa Cruz County to widen Harkins Slough Road, which is currently 20 to 26 feet in width (this separate CDP is necessary because the road itself is outside of the City limits in unincorporated Santa Cruz County). These plans show a minimum 45 foot wide developed right of way (consisting of two travel lanes, bike lanes, and one sidewalk) widening to 54 feet where there is a turn lane, and to an even greater width where there are two turn lanes and a bus pullout. Additionally, fill slopes are shown on both sides of the road. The FEIR for the proposed high school project recommends that the roadway be lit, which it currently is not.[27]

New Area C Site Access

With regard to site access, the effect of the amendment will almost certainly be a new road on or impacting agricultural land. If secondary access is desired for such a major public development as a school, it would traverse agricultural land. This is because alternative access from current roads (i.e., Lee Road or Harkins Slough Road from the west) are unreliable. These roads are closed in winter due to

[27] PVUSD Third High School FEIR (September 1998).

flooding; the latter, most recently has been closed throughout the year and the most recent report is that it would be years before it is reopened. This leaves access from West Airport Boulevard which was actually discussed as an alternative primary access in the draft EIR, as the only other choice. Even if such a secondary access were not desired, it would result because, by allowing for a school on 75 acres of what was Area C, the remaining 64 acres will become landlocked. There is nothing in the proposed LCP amendment requiring such a road connection through the subject site from Harkins Slough Road and such a road would be incompatible with school planning. Accessing the remaining Area C from West Airport Boulevard would run through agricultural land that the City of Watsonville requested be added to its Sphere of Influence for future annexation and development. At a minimum, such a route would go through the 7 acre Moore parcel currently in strawberries, but designated "Commercial" in the City's General Plan. The road might also go through the adjacent strawberry field in the County. From there it would go through the remainder of Area C, also in production.

Another alternative is shown on the plans submitted to the County.[28] These plans show a second roadway off of Harkins Slough Road at the western property boundary of proposed Area F. The plans show this roadway to be a minimum 44 feet wide, with Harkins Slough Road improved with turn lanes to this point. The road would end in a stub at agricultural land at the edge of proposed Area F. As part of the condemnation lawsuit, the proposed parcel map that PVUSD has submitted shows such a road easement at the edge of the City.

New Highway One Off-Ramp

The State Department of Transportation is currently planning for improvements to the Highway One overpass at Harkins Slough Road, at the request of the City of Watsonville. While not clearly a part of the proposed PVUSD project, the project includes providing a southbound off-ramp on the west of the highway, a northbound on-ramp east of the Highway, widening raising the overpass and widening it to three lanes.

The LCP is unclear as to the permitted and conditional uses for the Highway right-of-way. Though within the City's coastal zone, this area is not explicitly included in Areas A, B or C of the City's LCP. As such, it can be implied that the general policies of the LCP apply to the right-of-way; the general policies, however, do not include permitted and conditional uses. To the extent that any of the off ramp were to be located in Area C, it is not a permissible use because Area C only includes the highway right-of-way within the *existing roadway* as a conditional use. Beyond Area C, the Land Use plan is ambiguous as to what is allowed.

Parking

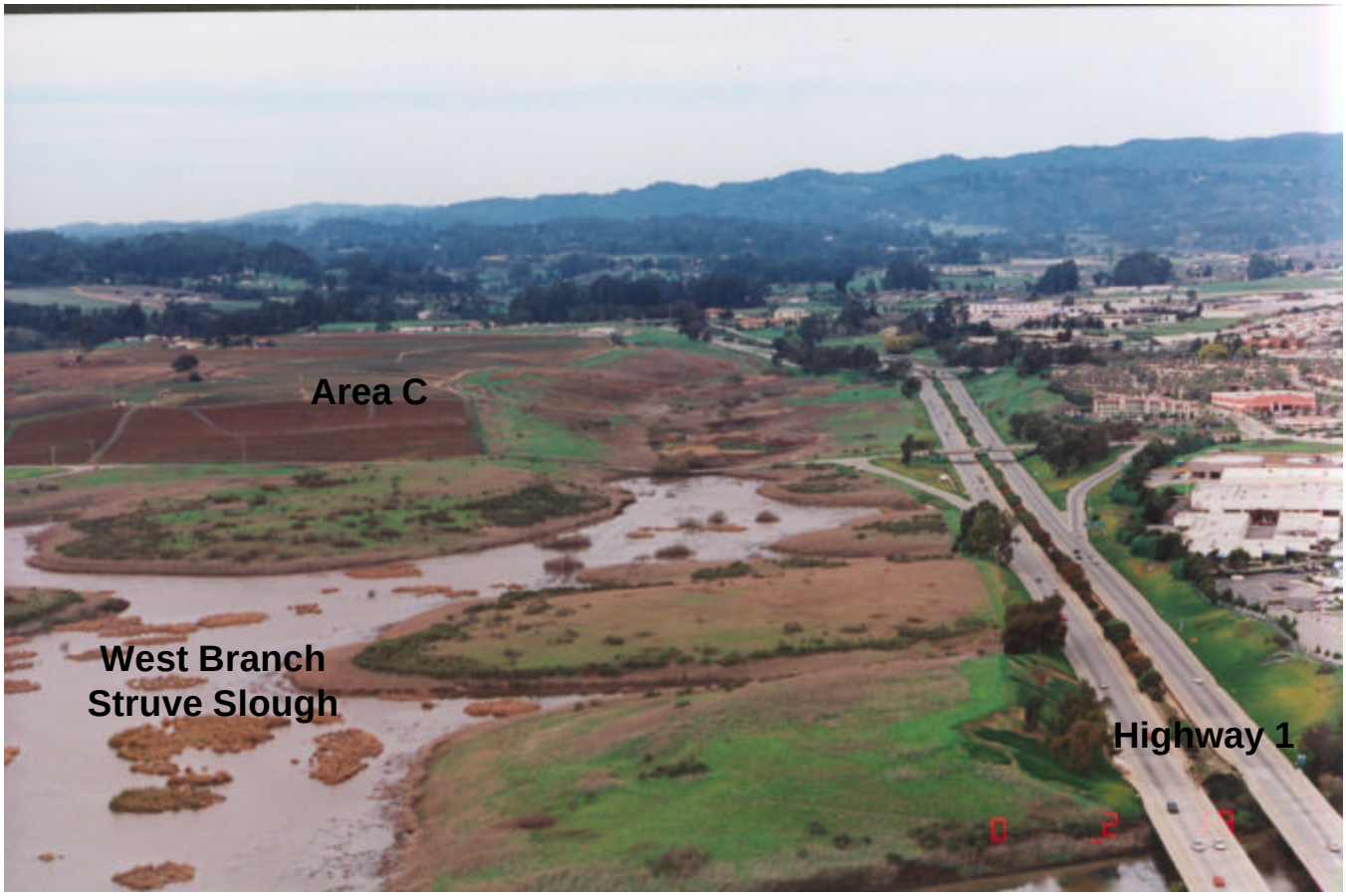
With regard to parking, more intensive development, particularly development that is not in close proximity to population areas, not only brings more automobile use, but also the need to provide parking for those vehicles. Increased parking needs means more areas of land given over to parking lots and/or parking lot structures. In the case of the proposed PVUSD High School project, a minimum 800 space parking area is proposed. This parking area would cover approximately 6.5 acres of Area C.

[28] Received in the Commission's Central Coast office from the City January 3, 2000.

2. Increased Intensity of Development of a More Urban Nature in a Rural Area

As described above the proposed amendment would increase the intensity of use of Area C in three different manners. First, it would allow more impervious surface coverage. The increased impervious surface coverage would make the area more urban. Second, the amendment would increase the development envelope. The increased development envelope could support scattered building sites and/or more pervious development that would be more urban. The specific addition of allowing a public school almost guarantees this because public schools require substantial acreage devoted to sports fields. Third, as described above, the proposed amendment will increase the number of people on site. This increased use intensity will also make the area more urban. Together, the increased impervious coverage, development envelope, and amount of people on site will change the heretofore agricultural landscape west of Highway One in this location. The result will be a breach in the stable urban-rural boundary at Highway One established by the Commission and the City, which is inconsistent with Section 30241(a).

The resulting local coastal program language will be internally inconsistent in that it will have provisions that contradict it's own description of Highway One as the urban-rural boundary. The proposed amendment is deficient because it does not further address the urban-rural boundary. For example, it could



have attempted to ensure that the increased intensity and new use were limited in a manner to act as a transition from the urban to rural area. Or, although difficult, it could have included measures that would have suggested establishing a new urban-rural boundary. Examples of such measures are discussed in the findings for approval below.

3. Growth-Inducement From Water, Wastewater, and Other Utility Extensions

The proposed amendment would result in water, wastewater and other utility extensions into proposed Area F, as described above. Such service extensions have a history of being growth-inducing. There are two primary reasons for this: first, it is difficult to limit capacities of extensions to serve only limited areas; and second, such extensions become more and more financially feasible as more and more people are required to pay their share for them. As stated in *Smart Growth Versus Sprawl in California 2*, "Local policies that most significantly promote sprawl include…siting of schools and other public facilities at remote locations."[29]

Regarding the first point, if for example, the amendment results in a school project generating 45,200 gallons of wastewater, that flow could be accommodated in a very narrow pipeline (e.g., four inches). However, there is no way to size such a line for that limited amount of wastewater generation because those persons/agencies responsible for wastewater treatment will generally require a larger diameter line to account for peak flows that might occur, to prevent the lines from being clogged, to allow the lines to be flushed, and to allow for small cameras to be inserted into the pipes to check for other problems. Furthermore, notwithstanding down-sized lines, pumps could be installed that would increase the amount of wastewater that the line could handle. The same is true for a water line extension. Fire Departments typically now require oversized water lines for fire flow purposes (for both overall volume and appropriate pressure).

The Commission knows from experience that capacity limitations do not always hold. For example, for a parcel in Area B of Watsonville's coastal zone, a previous extension of a City wastewater line to serve a new hotel was limited to six inches (for the portion under the Highway) and then to four inches (for the portion extending from the 6 inch line to the hotel itself) to the site so as not to induce future growth west of the Highway. Later, the City said that a larger diameter pipe was needed to avert clogging and long repair delays.[30] Similarly, only a 6 inch water line was needed to provide adequate water for use by the projected development, but the City subsequently changed this to an 8 inch line to have enough water for fire protection purposes.[31]

For the proposed amendment, no sizing requirements are specified. For example, if a school is built as a

[29] Steven Moss, *Smart Growth Versus Sprawl in California 2*

[30] Santa Cruz Sentinel, February 27, 1997

[31] The City has changed the conditions of these two permits without proper notice or hearing on the changes. Commission staff has notified the City that, lacking a properly noticed coastal permit amendment hearing and decision, the original conditions apply. On February 18, 2000, the City indicated to Commission staff that they concur with this assessment and the original permit conditions shall stand.

result of this amendment, it would be accompanied by an 8 inch wastewater collection line.[32] An 8 inch line is far larger than needed for just this one development. However, the final capacity of any of the service extensions allowed would be entirely discretionary by the City. The final approval could be for any sized sewer line.

Neither does the amendment explicitly require a direct tie in of service expansion to the actual use. The City could issue two coastal permits as it did for Area B (one for the structure and one for the infrastructure) and then actually construct the utility lines in anticipation of the structural development. If the development did not subsequently occur, then the capacity in the newly-constructed utilities would be available to serve other development in the area.

The two provisions in the existing local coastal program to limit service expansion are inadequate to address the intensified development that would be allowed by the proposed amendment. Land Use Plan policy II.C limits assessments for public works. However, this limitation applies only to special districts. Since service extensions to Area C would be by the City as the utilities provider, this policy may not be applicable because the City is not a special district. Similarly, Land Use Plan policy III.C.3.l limits utility assessments against agricultural properties. However, this limitation applies only to sewer service, not for any other service or utility. As such, this policy would not prevent agricultural land from being assessed for road, water system, sidewalk, and other non-sewer utility improvements. While these LCP policies were viewed as adequate by the Coastal Commission back in 1982 in the context of the expected limited amount of development to occur on the subject site, they are not adequate to address Section 30254 in light of the proposed amendment and the additional information that is now known about the area. To ensure that public service extensions at the edge of rural areas do not destabilize an urban-rural boundary, there are a variety of legal measures that could be taken, such as bordering a serviced site with a no utility access strip. The proposed amendment is deficient in that it includes no such protections.

Thus, if the amendment resulted in available sewer or water capacity west of Highway One, other properties could come under increased development pressure because of the availability of new utility extensions. One property would be the aforementioned 646 acre Tai property. This property is directly across Harkins Slough Road from proposed Area F. As indicated, there are few limitations on the extension of utilities to serve Area C. Thus, it is possible that as a result of this amendment there would be a sewer and/or water line being installed adjacent to the Tai site with enough extra capacity to serve that site. This would make the cost of developing Tai somewhat less, thus increasing growth pressure on it. In fact, potential developers of the Tai site could work out some arrangements with the developer of proposed Area F and the City to ensure the former's access to such utility extensions. Other adjacent or nearby parcels could experience similar growth pressures, as a result of the proposed amendment.

4. Growth-Inducement From Improved Roads, Circulation, and Parking

The above analysis is equally applicable to the circulation system. While parking lots can be sized so as to serve just site-related uses, the road system can not and the likely improvements described here will no

[32] According to documentation received from the City January 3, 2000, and the PVUSD Third High School FEIR (September 1998).

doubt be growth-inducing. The United States has a history of constructing new freeway interchanges followed by new sprawling development as the road system improves. Additionally, improving Harkins Slough Road to the very end of the property (or even beyond) and/or building a new road through or adjacent to agricultural fields may increase pressure on the nearby parcels to convert to non-agricultural uses. This is because infrastructure improvements bring down development costs for adjacent properties, which in turn makes them more attractive for potential developers. This also brings associated pressure on governmental institutions to then respond to development opportunities.

There may be some ways of designing roads so that they function more as driveways to and end in new developments to prevent them from being growth-inducing. However, the proposed amendment contains no such standards. Again, as with the service extensions, the City will have discretion in the coastal permit as to what level of road improvements it requires to serve any new development, such as a school, on Area C. To date the noted plans of the City to improve both the Highway One interchange and Harkins Slough Road do not address the need to prevent growth inducement.

Under the Coastal Act new public facilities are to be designed and sized to accommodate the amount of development allowed by the LCPs. Since the City and the School District have already gone on record as saying the off-ramp is not needed to accommodate intensified use on site (i.e., a public high school), this proposed used would be inconsistent with Section 30254 lacking any other traffic-related justification for the project. To assure that potential future infrastructure proposals and investments address the need to maintain the stable urban-rural boundary, evaluation standards for such projects should be carefully spelled out.

Finally, the LCP amendment does not discuss any alternative transportation strategies or mechanisms to minimize automobile use as required by section 30252. Such mechanisms are particularly important for supporting intensive uses like public schools, which tend to generate large amounts of traffic at discrete times of the day.

5. Coastal Act Consistency Conclusion

Land Use Plan Amendment Inconsistency with the Coastal Act

In conclusion, there are two overarching problems with the proposed land use plan amendment from a Coastal Act perspective. First, it allows intensified uses that will be urban in nature, in a rural area, which is inconsistent with the Coastal Act Section 30241a. Such allowed development will also have adverse resource impacts as discussed in the findings below, which should, therefore, render Area C unsuitable for urban expansion. Instead the proposed amendment embraces such expansion.

Second, even if one assumes that intensifying uses in Area C was appropriate, the proposed amendment fails to reaffirm or reestablish a stable urban-rural boundary, inconsistent with section 30241. Instead, through the lack of constraints placed on services and roads, the amendment almost assures that there will be future growth in what is now a rural area – an area that is not appropriate for any significant level of growth under Coastal Act resource, agriculture, scenic, and concentration of development policies. Against this backdrop of lack of policies, the Commission views this amendment as continuing a trend of more sewer, water, and road extensions coming into what is – and should stay – a rural, agricultural area.

Therefore, the Commission finds that the proposed Land Use Plan amendment would result in a Land Use Plan inconsistent with Coastal Act Section 30241(a)

Implementation Plan Amendment Inconsistency with the Certified Land Use Plan

The proposed implementation plan amendment mimics the proposed land use plan amendment. It contains no additional standards that address the urban-rural boundary. It maintains the 50 foot riparian and 100 foot wetland setback, with the requirement that tall trees be planted in the habitat buffer. Where there is no habitat area at the site perimeter (and hence no habitat buffer requirement), the only setback required is five (for side yards) or 20 feet (for front and rear yards). This will place urban development too close to, and unbuffered from, rural agricultural and other lands.

Since the proposed Land Use Plan amendment is being denied, the certified Land Use Plan will remain what is currently in effect. As noted, what it currently states is that Highway One is the urban-rural boundary. Since the proposed Implementation Plan amendment provides for urban uses in the rural area, it must be denied as being inconsistent with the certified Land Use Plan.

E. Modifications Required to Achieve Coastal Act Development and Public Services Conformance

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

1. Modifications to Result in a Certifiable Land Use Plan Amendment

Determining acceptable provisions for Watsonville's local coastal program is challenging. The local coastal program must cover three areas (Areas A, B, and C) that extend from inland across Highway One into what is, and should remain under the Coastal Act, a rural agricultural area. On the other hand, being within the City limits carries with it the expectation of urban development, especially when Watsonville has been rapidly growing and projects additional growth that it is attempting to accommodate. One clear need for the City is a new public high school. The high school does not have to be within the City limits because the PVUSD extends miles beyond the City limits. Nevertheless, although the Commission's staff has expressed its serious concerns with the proposed high school on Area C since at least 1993, the School District and the City have identified the site as the only viable location for the much needed third High School and have brought forward this LCP amendment.

This objective of the proposed amendment–to allow for a high school -- can be accomplished through a modified local coastal program amendment. There is a parallel to this accommodation in how Area B was addressed. For that site, the Commission agreed with the City that visitor serving uses (which are a priority under the Coastal Act) could replace agriculture if the proposed facility can not be located in an existing developed area and continued agricultural use is infeasible. (No other non-agricultural uses are allowed on Area B).

The above analysis suggests some general approaches in order to maintain consistency with the Coastal Act's development-related policies. One approach is that if there is to be any intensification or expansion of uses, it should be limited in a manner that retains the rural nature of the area. Another approach is to allow urbanization, but redraw a stable urban-rural boundary seaward of Highway One. Under either approach, minimizing the possibility of future breaches in the urban-rural boundary is a necessity.

Retention of the Urban-Rural Boundary

The approach of re-establishing the stable urban-rural boundary somewhere seaward of Highway One in the vicinity of Area C is problematic. There is no one or combination of physical features comparable to Highway One that surround Area C or the proposed Area F that would act as a stable urban-rural boundary. A buffer drawn around proposed Area F would not be as potentially stable as Highway One. On two sides urbanized Area F would be adjacent to agricultural land. On the third side there would be a rural road separating urbanized Area F from agricultural land and a wildlife wetland reserve. Urbanization of Area F implies a full range of urban services. Extending them beyond the boundaries of Area F would be much easier and less costly than extending them over (or under) the freeway. Urbanization of Area F also implies a lot more people on the site. Preventing them from intruding onto or indirectly disturbing the adjacent agricultural lands and Fish and Game habitat is much more difficult than if such urban uses remain on the other side of the freeway. Also, if urbanization of proposed Area F brings with it an off-ramp to the ocean side of the freeway, it will be still more difficult to create the type of barrier that the freeway currently provides. In conclusion one would be looking at an artificial created buffer rather than a large, physical buffer, which Highway One currently provides. Therefore, to maintain conformance with the Coastal Act the urban-rural boundary should be retained at Highway One.

Allow A Public School Only In a Manner That Is Not Further Growth-Inducing in the Rural Coastal Zone

If the purpose of the amendment, namely allowing a high school, is to be accommodated, then the high school and its attendant utilities should be designed to retain the rural nature of the subject site. A stable urban-rural boundary is one that both physically and institutionally separates the two patterns of uses in a manner that cannot be breached. There may be some of the same uses in both areas, but rural areas are characterized by lower densities and intensities and by reliance on on-site, rather than public, services. From the Coastal Act perspective, rural areas maintain their aesthetic appeal of being primary open space and pastoral and their accommodation of agricultural uses without undo disruptions or complaints. Thus, physically, there should be a clear physical separation of urban from rural areas by such features as fences, buffer strips, plantings, berms, and similar physical demarcations. Sometimes there are transition areas from urban to rural, such as large lot subdivisions and isolated manufacturing plants (as the conditional uses currently allow). Physical features that make urban-rural boundaries more stable include landforms (e.g., a ravine) and urban edge designs (e.g., cul-de-sacs) that are difficult for urban services to cross. While a large high school will have some urban characteristics, its siting and attendant service needs can be directed in a manner so that the entire project site reinforces the urban-rural boundary to prevent any further breaches in it. In a sense the school can function as a transitional use between the urban uses on the inland side of the freeway and the rural agricultural and habitat uses beyond.

Institutionally, there should be legal requirements to support the chosen physical boundary features.

Examples of some techniques to help stabilize an urban-rural boundary include:

- preventing unnecessary or uncontrolled service expansions and extensions;
- limiting and directing the sizing and location of service extensions;
- zoning the rural area for continued rural-only development;
- placing the buffer or adjacent rural area in a protective easement or deed restriction;
- public or land trust acquiring development rights;
- requiring public votes or more than majority votes to redesignate rural lands;
- having joint City and County agreements on concerning the location of the urban-rural boundary and on mechanisms for changing it.

The key to ensuring a stable urban-rural boundary is that there be enough of such mechanisms and features in place, and that these be supported by all of the official documents, to act to discourage those who might contemplate applying to convert rural land to urban land. The more pressure for growth, the greater the need for a complement of sufficient measures designed to limit future urban expansion. And, the subject area is under significant growth pressure.

The Commission notes that the local coastal program alone can not make happen some techniques which could help, because there are other entities not bound by the local coastal program. For example, a local land use plan policy that discourages annexation by itself does not guarantee a stable urban-rural boundary if other agencies, such as water and sewer districts, have policies, and hence promote service improvements, that favor such annexations. And some of the techniques noted above, such as permanently preventing development through restrictive easements or deed restrictions on lands adjacent to Area C are beyond the purview of the subject amendment because they involve lands in the County. So, while these cannot be instituted through suggested modification to the City's local coastal program, the following are measures that can .

Greater Site Intensity Exclusively for a Public School

First, any increase in intensity of site use should be for a public school exclusively (see modification 4.A.2). While, some increase in intensity for the other permitted uses might not breach the Highway One urban-rural boundary, the increase in up to 50% coverage for residences or industry would almost certainly. If the high school or another public school project ultimately does not locate on the subject site, then any other proposal for more intensified use needs to be examined on its own merit. Since that is not the stated objective of the amendment and since there are so many potential non-public school uses, it is premature at this time to offer any modifications to allow for more intensive development for other than a public school.

In fact the Commission makes no commitment to allowing any such increase in intensity by continuing to find that agricultural use remains the priority use for the site (see next finding). The Commission further finds that any increases in the maximum intensities already potentially allowed for any other uses may not preserve the urban-rural boundary. The intent of the local coastal program provisions, when all read

together, is to ensure that any of these other uses do not alter the rural character of the area and are not growth-inducing. It is possible, however, that a liberalized application of each policy on its own could result in some development that is problematic. Therefore, the Commission finds that some additional specificity with regard to siting and public services is necessary to fully guarantee that any other use that may be approved will be rural in nature. This is accomplished by adding modifications to require clustering, concurrently allowing smaller residential and/or industrial parcels. (see modification 4.A.2) Since residential uses will require septic systems, a minimum one acre parcel is needed according to the basin plan. For industrial uses, the City elsewhere allows 20,000 square foot parcels, so there is no reason to require a large minimum size. Of course, if they are to be served by septic systems they may have to be larger.

Special Study Area for Comprehensive Planning

Second, at this discussion suggests, the entire Area C must be addressed comprehensively. It should not be divided into two planning areas. (see modification 1) Rather, the entire site needs to be planned as a whole, especially as it is in single ownership (see modifications 4.A.1 and 4.A.2). Without some comprehensive planning, there could be incompatible development sitings and poorly located or duplicative public services or utilities that would be growth-inducing. There is precedent for this approach already in the *Watsonville 2005 General Plan*; such areas are called Special Study Areas. If there is to be an intensification of use for a public school, then no other use beyond agriculture, recreation, or habitat preservation on the balance of the site is appropriate.

Retain Rural Character in Design

Third, the school must be designed and located to minimize visual resource impacts and to minimize adverse impacts on adjacent resources. The necessary modifications are discussed in the following findings (see Section 6.4.3).

Use Onsite Services Where Feasible

Fourth, each public service extension or improvement necessary for a school must be approved only after it is concluded that on-site service provisions are infeasible or environmentally more damaging. This means considering a well for water service and an on-site wastewater treatment facility (e.g.,. septic tank). In addition, Pajaro Valley groundwater basin is currently and has been in overdraft for sometime. Modification 4.A.2 therefore requires a city finding of that this water supply situation will not be exacerbated by more intensive development on Area C. Given a choice, requiring on-site wastewater treatment is a priority because sewer lines are more associated with urban growth than water lines.

Size and Locate Any Public Service Extensions to Not Be Growth-Inducing

Fifth, any public service extension must be located and sized in a manner so as not to be growth-inducing. While it is not possible to size utilities to serve only the development to be served, the size can at least be commensurate with the desired uses. In this case, there will be a hotel on Area B and a high school on Area C that may require utility extensions under Highway One. It is not really possible to size sewer and water lines small enough to service only one 100 unit motel or one high school. A line that small (e.g., 4" would still have some excess capacity). Additionally, the City desires minimize pipeline diameters for

water line to be capable of being adequate for fire suppression purposes and for sewer lines to be capable of insert video cameras; which they maintain is a 8" minimum.

To at least minimize excess capacity and the possibility that the amendment will bring with it growth-inducing utilities inconsistent with the Coastal Act, the City could instead extend only one line across Highway One to serve both a hotel and a school. This will also serve to prevent a duplicate set of costly utility extensions across Highway One. And with other suggested modifications that may result in a school being built closer to the hotel parcel (see modification 3.A.1), this directive would be even more financially attractive. If there is only one line, then it will be the City's responsibility to site it appropriately. The candidate area appears to be an extension from the intersection of Westgate Drive and Anna Street. This will then require a line paralleling the Highway One right-of-way for a few hundred feet. Caltrans only allows such line placement under limited circumstances.[33] It appears that such findings can be made, but the final decision will rest with Caltrans. If, for some reason, a Caltrans right-of-way cannot be approved, an exception can be made to place a line on County lands, but only if appropriately restricted to prohibit future tie-ins.

Together the development on Area B (a 100 unit hotel estimated to generate 10,000 gpd of wastewater) and the intensified development on Area C (for example, a 2,200 student school estimated to generate 40,000 gpd) can easily be accommodated by an eight inch sewer line, if it is gravity flow, and a six inch line if it is a force main. For both the Moss Landing (estimated 107,000 average gpd) and the Castroville extended interceptors (estimated 214,000 average gpd) the Commission approved only six inch lines. If a force main is used, then the key to capacity will be the size of the pumps. The final design and location of a school will thus dictate the kind (gravity and/or force) and location of the sewer line. Once this is known, then the engineering can be completed to determine the minimum size necessary for the sewer lines. Since water lines will need to be more than the minimum size for fire suppression purposes, then the key to preventing utility growth-inducement lies with minimizing the diameter of the sewer pipes and the capacity of any pumps. This can be accomplished as a condition of approval of a specific school public project. Additionally, the location of the lines should be such that they hook directly into the buildings plumbing and that there are no stubs leading to undeveloped portions of the site or beyond. (see modifications 4.A.2 and 6.A.1)

Size and Locate Roads to Not Be Growth-Inducing

Sixth, for various transportation improvements, again they need to not be growth-inducing, in terms of size (capacity) and location. It appears that the ultimate road improvement decision will be the County's to initially make and the Commission's to review if such a decision is appealed. There appear to be two alternatives for improved road access to Area C both involving Santa Cruz County jurisdiction; i.e. via Airport Boulevard or Harkins Slough Road. The current plans show Harkins Slough Road being widened and a sidewalk on one side of the street being installed. The alternative is to extend the roadway from Airport Boulevard. This alternative for road access was contained in the first "Proposed Third High

[33] That is, must: not adversely affect highway safety and traffic operations or the highway facility itself, can be accessed for future maintenance other than from the highway; no economically feasible alternatives, not allowing it would adversely affect agricultural land; from *Caltrans Project Development Procedures Manual*, Chapter 3-20, Article 20, 1995.

School Site" draft EIR. There was no map nor detailed analysis of such routing, just a brief conclusion that the impacts would be similar to those from a project with access off of Harkins Slough Road. This routing appears to have a number of advantages. First, Airport Boulevard already has a functional interchange with Highway One; Harkins Slough Road does not. Adding an off-ramp to Harkins Slough Road would impact wetlands and their required buffer. Additionally, any improvements to Harkins Slough Road would impact West Branch Struve Slough and Hanson Slough wetlands and would likely be inconsistent with County LCP policies (the road is in the County). Airport Boulevard is an improved road dead-ending into farm fields. Rather than improving another road through wetlands in this area that should stay rural, redirecting the end of Airport Boulevard into a high school parking lot may be a more stabilizing and less-growth inducing alternative.

A possible disadvantage of this alternative is that in order to extend roads from Airport Boulevard, there will be some intrusion onto County land through the Moore parcel (Assessor Parcel Number 052-021-21) which is in strawberry production. Although this could be considered growth-inducing and a violation of the urban-rural boundary, the County is in a better position to protect its agricultural lands than the City. The County has numerous agricultural protection policies in its local coastal program that the City does not. Design and sizing of such a road and utilities could possibly be accomplished in a manner consistent with the Coastal Act and the County's local coastal program. In conclusion, as noted, the County will be in the position to determine whether to allow improvements of the Harkins Slough Road corridor. This analysis suggests that the County give serious consideration to requiring the use of Airport Boulevard as an alternative to any service or utility extension along Harkins Slough Road; keeping road improvements to the minimum necessary to serve Area C; and avoiding fill of West Branch Struve and Hanson Sloughs.

Finally, as previously discussed, the Highway One off-ramp proposal is not needed to serve Area C, Nonetheless, the LCP should address the possibility of such a project in light of the integral relationship between public infrastructure and planned urban intensities outside of the urban-rural boundary. In addition to meeting the habitat protection and setback policies (which currently appears difficult although Caltrans staff say it appears to be possible at this early stage in the design process), this means showing that there are no alternatives to address the situation that it is supposed to address; that the capacity is limited to that necessary to serve the development that the LCP allows, and that alternative transportation components are incorporated to satisfy section 30252 (see modification 2.A.3). The City of Watsonville indicates that such an off-ramp (and Harkins Slough Road overpass widening) is needed to relieve congestion at Green Valley Road and Main Street, ¼ mile outside of the coastal zone boundary. This modification would ensure that alternatives such as improving that intersection are examined, before committing to such a growth-inducing project in the coastal zone.

Install Infrastructure Only If Development Occurs

Seventh, there needs to be a complementary assurance that the new infrastructure does not get installed prematurely (see modification 6.A.1). Otherwise, if the infrastructure were constructed and then for some reason the development that it was designed to serve did not occur, there would be excess capacity available to serve inappropriate development.

Establish Legal Instruments to Prevent Urban Development in Rural Areas

Eighth, institutional measures to ensure that there is no future urbanization in the area need to be incorporated into the amendment. (see modifications 4.A.2 and 6.A.1). Even with the modifications listed above, there will be some excess utility and road capacity that could be used to serve other development beyond the urban-rural boundary; and the costs of developing such land will be reduced by some amount given the development of the subject Area C site. The fact that these lands will now be closer to a developed site, and this approval of an amendment to allow that conversion from agriculture to occur, will increase the development pressure in the area. Therefore, it is necessary to countervail such perceptions by establishing clear legal instruments against further annexations and utility extensions. This can be achieved by extending the prohibition on assessing agricultural property to water lines as well as wastewater lines, prohibiting utility extensions outside of the City limits, and enacting a City resolution committing to no further annexations. Exceptions can be made for water lines that would serve to irrigate agricultural land, because if that land does not have water, then it's urbanization potential increases. The two methods of providing irrigation water are by reclaiming wastewater and capturing excess winter flow runoff, both potential projects of the Pajaro Valley Water Management Agency.

Review for Large Special Events

Finally, as noted, a large public school and its ball fields has the potential to be used for special night, weekend, and school vacation events. Some of these could draw large amounts of people and be of a different nature of use than a school and the resulting impacts could thus be greater or different than those of a school (e.g., an outdoor concert). The Commission has established guidelines for special events to address such circumstances that sometimes require separate coastal permits. The City's land use plan could have similar provisions (see suggested modification 4.A.2)

Conclusion

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the Land Use Plan as amended and as further modified is approved as addressing Coastal Act policies with respect to development and public service issues.

2. Modifications to Result in a Certifiable Implementation Amendment

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the land use plan. As described, a deficiency was noted with regard to criteria for development within the freeway right-of-way. In order to be consistent with existing LUP policies II.A.1 with regard to minimizing energy conservation and vehicle miles traveled and II.E.3 with regard to public transit, any road improvements need to have an alternative transportation component (see modification 2.B.4) and any intensified use must not encourage vehicular use with excessive parking (see modifications 4.A.2 and 4.B.2).

Next, since the land use plan is being amended and modified in the manner just described; likewise, the Implementation Plan must be so modified. This means that the Implementation Plan must contain modifications to limit any increase in intensity to a public school (see modification 4.B.1), require clustering (see modification 4.B.4), treat Area C comprehensively (see modification 4.B.3), have design standards that speak to the rural character of Area C (see modifications 4.B.3 and 8.A.1), use on-site

services where possible (see modification 3B.1), have one sewer and water line cross Highway One (see modifications 3.B.1 and 4.B.1), restrict the sizing of utilities (see modification 3.B.1, 4.B.3, and 6.B.3), provide for non-access easements on any extended utility lines (see modification 4.B.3), address special events (see modification 4.B.4), limit further annexations (see modifications 2.B.4 and 4.B.3), and have criteria for allowing a new off-ramp and roadway widening (see modification 2.B.4). Additionally, since the modifications will reduce minimum parcel sizes to encourage clustering, frontage requirements can also be reduced (see modification 4.B.1).

Furthermore, not only must implementation plans be consistent with the land use plan provisions, they must provide the necessary detail to ensure that the land use plan provisions are carried out. Thus, a new overlay zoning district is necessary to apply to the edge of Areas B and C as a legal mechanism for preventing the extension of utilities beyond the City limit (see modification 6.B.1). Also, more detail is needed to ensure that the suggested policy of tying infrastructure installation to the construction of the permitted structures occurs (see modification 6.B.3).

Finally, implementation plans must be adequate to carry out land use plans. One way to ensure adequacy is for the implementation plans to contain coastal development permit requirements consistent with the Coastal Act, since it will be through the coastal development permit and appeal processes that new development can be approved and held to the criteria of the local coastal program. This is especially important with regard to this proposed amendment because it will facilitate a large development in the City's coastal zone. Experience with various coastal jurisdictions has demonstrated that sometimes local coastal program provisions can not be adequately carried out, if the developments are approved through emergency permit or permit extension provisions or if they are approved without correctly being noticed as appealable (to the Coastal Commission). Therefore, clarifying modifications are needed to those corresponding portions of the City's Implementation program to ensure that proper coastal permit determinations are made. (see modification 10 and 4.B.3).

If so modified in all of the ways outlined here according to the cited modification texts, then the Implementation Plan as amended and as further modified is approved as being consistent with and adequate to carry out the certified Land Use Plan as amended and as further modified with respect to development and public service issues.

2. Agriculture

Protection of agricultural land is a fundamental Coastal Act policy. Area C is currently in agricultural use, meets the criteria for being prime agricultural land, and is adjacent to and in an area of agricultural land. Although the submitted LCP amendment text mirrors one Coastal Act policy, the overall effect of the amendment will be to convert a large portion of Area C to non-agricultural use, with the potential to generate conflicts with any remaining agricultural use of the site and with adjacent and nearby agriculture. The amendment is thus inconsistent with the Coastal Act because it fails to retain the maximum amount of prime agricultural land, direct development away from agricultural lands, provide for an adequate buffer to agricultural land or prevent further conversions through limiting land divisions and public service

extensions. However, the amendment can be approved if modified to: (1) limit intensified development of Area C to a public school only for a limited period of time; (2) require a finding of no feasible alternative site; and (3) include an agricultural educational component, adequate buffers to adjacent agricultural land, and an acknowledgement of the potential conflicts from adjacent and nearby farming.

A. Coastal Act Agriculture Policies

The Coastal Act establishes requires the preservation of both prime and non-prime agricultural lands. In particular, the Act sets a high standard for the conversion of any agricultural lands to non-agricultural uses. Significantly, Coastal Act Section 30241 requires the maintenance of the maximum amount of prime agricultural land, to assure the protection of agricultural economies:

> ***Section 30241.*** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*
>
> *(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
>
> *(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
>
> *(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
>
> *(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
>
> *(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
>
> *(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Coastal Act Section 30241.5 identifies specific findings that must be made in order to address the agricultural "viability" of prime lands around the periphery of urban areas subject to conversion requests. These findings include an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP or LCP amendment request. Section

30241.5 states:

> ***Section 30241.5.*** *(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*
>
> *(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*
>
> *(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*
>
> *For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*
>
> *(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

Section 30242 establishes a general standard for the conversion of agricultural lands:

> ***Section 30242.*** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

The next section addresses protection of the soil resource itself:

> ***Section 30243:*** *The long-term productivity of soils … shall be protected….*

Finally, the definition of prime land is found in Section 30113:

> *"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

These Section 51201 paragraphs define such lands as:

1. *All land that qualifies for rating as class I of class II in the Natural Resource Conservation Service land use capability classifications.*

2. *Land which qualifies for rating 80 through 100 in the Storie Index Rating*

3. *Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.*

4. *Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre*

B. Existing and Proposed LCP Agriculture Policies

As discussed above, the amendment proposes changes to the agricultural conversion policies of the certified LCP that, while mirroring Coastal Act policies, would weaken the protection of agricultural lands for Area C in the certified LCP. With specific regard to Area C, the LCP currently supports agriculture as the principal use. It allows for a limited amount of non-agricultural development at Area C, provided that continued agricultural use is demonstrated to be infeasible. The LUP prohibits conversion of land "suitable for agricultural use," such as that currently in agricultural production on Area C, unless: (1) continued or renewed agricultural use of the land in question is not feasible; or (2) such conversion would result in development near existing developed areas served by adequate public facilities. The proposed amendment also would add another non-agricultural conditional use (public school) and it would modify development standards to make non-agricultural development more attractive (by allowing for more site coverage and reducing mapped ESHA area).

C. Background: Historic and Current Agricultural Use

1. Agricultural Use of Site and Surroundings

Area C has been in agricultural use for many years. Historic agricultural use in the Pajaro Valley dates back to pre-European times. The subject site was originally part of James Hanson's dairy in the 1800's and appears to have stayed in grazing use until recently, as documented by aerial photographic analysis in the PVUSD FEIR. Also, at times the grasses were mowed and likely used for feed, as evidenced by hay bales on the site in a 1931 aerial photograph. The background report to the LUP written in 1982 says the site at that time was partially in grazing use and partially in row crops.[34] Current agricultural use of the

[34] California Department of Water Resources Maps show the part of the site closest to Harkins Slough Road in row crops in 1975 and the entire farmable portion of the site in row crops in 1982.

subject parcel has been strawberry cultivation, a use that has been occurring for the last decade.

Area C is situated in an agricultural area and is indistinguishable from adjacent strawberry farms. According to the South Santa Cruz County Ranch Maps of 1997, other agricultural properties within the vicinity and region of the subject site have been used for pasture, strawberries, and vegetables.[35] This document reveals that use across Harkins Slough Road to the southwest has more recently been for

vegetable crops and a small amount of grazing. Until recently there was also an apple orchard located to the southwest as well. However, the trees have since been removed. Use of the lands adjacent to proposal site to the west and northwest has also more recently been for grazing and strawberry cultivation.

Area A was described as in grazing use at the time of LUP preparation. It currently contains a composting facility that is categorized as an agricultural use, although it is obviously not soil-dependent. Area B was

[35] Santa Cruz County Agricultural Commission, *South Santa Cruz County Ranch Maps 1997*.

described as in grazing and row crops at the time of LUP preparation. It is currently fallow.

2. Agriculture Industry in the Pajaro Valley

Watsonville's coastal zone is part of an area where agriculture is paramount to the economy. According to the *Pajaro Valley Futures Study, November 1998*, "unlike other cities in Santa Cruz County, Watsonville's economy is almost entirely dependent on agriculture." This study provides valuable information both in the form of statistical analysis of trends in crop acreage and values over the past 20 years; and also qualitative assessments based on interviews with people who work in the industry everyday – growers, processors, labor, service industries, real estate, etc. The following is a summary of the study's findings:

> *The ideal growing conditions in the Pajaro Valley create high demand for the finite amount of agricultural land and land values that are considerably higher than in nearby areas. While urbanization may escalate land values to 8 to 10 times the value for agriculture, the high agricultural land values indicate the importance of the Pajaro Valley as agricultural land. Over the past twenty years agricultural production in the Pajaro Valley have increasingly shifted to higher income commodities such as strawberries, while apple production has declined. This is likely to continue as outside competition and high costs of land, water, and labor make lower income crops less economical.*

A review of the 1979 Soil Survey map reveals that there is an abundance of prime agricultural lands within the vicinity of Watsonville's coastal zone. This status is a function of these soils' inherently high potential to be productive due to their natural physical characteristics (i.e., they meet the first Capability Classification or the second Storie Index Rating criteria). The vast majority of these soils occur to the south of Area C within the broad flat valley floor surrounding the Pajaro River. Other lands to the west of Area C along Harkins Slough and between San Andreas Road and Gallighan Slough contain prime soils as well.

D. Analysis of Consistency With Coastal Act Agricultural Policies

1. Introduction: Effect of the Proposed Amendment on Agriculture

The proposed amendment would have several effects on agriculture on the site and beyond. It would result in a conversion of all of the agricultural land on proposed Area F, if it results in an intensified use such as school, which requires all of the available development envelope. It may result in a conversion of all of Area C from agriculture, if the remaining area becomes too constrained to farm because of conflicts with the adjacent use on proposed Area F or if development is made easier or more economical due to the growth-inducing effects discussed in the previous finding. The proposed amendment also has the potential to result in a split of the large Area C into two parcels, with the remainder being less viable for agriculture, given its smaller size, location adjacent to a school, and lack of water (the school site would

encompass the well that currently supports Area C farming).

Beyond the site, the proposed amendment has the potential to adverse affect adjacent agricultural uses as it introduces an intensive and sensitive use and attendant urban services next to them. Similarly, this adverse effect could reach beyond in the vicinity of the site for the same reason. These effects clash with several provisions of the cited Coastal Act policies, as will be described.

2. Prime Agricultural Land Determination

The agricultural capacity of Area C land is central to an evaluation of LCP amendment Coastal Act consistency. As discussed below, neither Areas A nor B would qualify as prime agricultural land at this time. However, under Coastal Act criteria, there is little doubt that the cultivated portion of Area C is prime land.

Areas A and B

According to the 1979 Soil Survey, Areas A and B do not meet the first two prime agricultural land criteria. Capability Classifications for these areas range between III and VI, while Storie Index ratings range between 28 and 62. In addition, both of these areas have already been committed to non-soil dependent operations, making the application of the third and fourth prime land criteria moot at this time. However, since the uses of Area A do not permanently cover the soil, and since Area B is not yet developed, these areas could become prime if they returned to cultivated or grazing uses in the future.

Area C

Contrary to the findings of an Agricultural Viability Study submitted by the City[36], there is substantial evidence that Area C, the location of the proposed high school, meets two of the four Coastal Act tests for prime agricultural land. First, though, it is important to address the context of the certified LCP.

Certified LCP

The certified LCP is contradictory with respect to its characterization of the agricultural status of Area C in 1982. First, the LCP states that "[t]here is no prime agricultural land within the present boundaries of the City's coastal zone" (p. 5). Yet, the LCP also states that "Areas A, B and C consist of 145 acres of prime range land . . . (p. 22)." The Commission's findings for the original LUP suggest that the root of this contradiction perhaps lies in the distinction between agricultural land and agricultural soils. The Commission's December, 1982 findings state:

> *Coastal Act sections relevant to the agricultural component of the LUP include 30113, 30242, and 30250. The Coastal Act utilizes the Williamson Act definition for prime soils. There are several different tests in the definition; one is that a soil is considered prime if it is rated class I or II by the Soil Conservation Service, another is if the land is above 80 on the Storie Index Rating. The highest classification of soil in Watsonville's Coastal Zone is Class III, the highest*

[36] Andrew Mills, *Agricultural Viability Study for the Proposed Third High School Site,* August 20, 1997 (Appendix B of the Revised EIR.)

Storie Rating is 62. The bulk of the land is rated lower than these figures. Therefore the City appears correct in its evaluation of the areas within the LUP jurisdiction as having non-prime soil.

In other words, while the Commission characterized Area C as prime range land, it also found that the *soils* of Area C did not meet the SCS Soil Classification or Storie Index Rating for prime soils. Notably, the Commission did not specifically evaluate the capability of the land under the third and fourth tests required by the Coastal Act. Thus, it appears that the Commission did not completely evaluate Area C for its agricultural capability in 1982.

These contradictory LCP statements, though, are not, and can not be, determinative of the agricultural status of Area C today. As with environmentally sensitive habitat assessments, the Commission must evaluate the agricultural capability of Area C based on the status of the resource as it currently exists on the ground. This is particularly true when an LCP amendment is being proposed that could result in significant conversions of land currently in agricultural production.

Coastal Act Soil Type Tests

Regarding the first and second tests, according to the USDA Soil Survey published in 1979, there are five separate soil types found on Area C. These soils range from III to VI in the NRCS Capability Classification system and from 28 to 62 in the Storie index. As such, none of these soil types contain a Capability Classification or Storie index rating that alone would qualify Area C's soils as "prime agricultural land" under the first two tests. This is also consistent with the Commission's 1982 finding concerning the application of these two tests.

Coastal Act Grazing Land Test

Area C would qualify as prime agricultural land under the third test if it were being used for grazing. First, based on U.S. Department of Agriculture criteria, four of the five soil types found within Coastal Area C could be expected to yield, under a high level of management, ten (10) to twelve (12) animal unit months (AUM) per acre.[37] An animal unit month is defined by the USDA as the amount of forage or feed required to feed one animal unit (one cow, one horse, one mule, five sheep, or five goats) for a period of thirty days. Therefore, these soil types far exceed the single annual AUM requirement of Government Code Section 51201 (c)(3), by providing expected yields between ten (10) and twelve (12) AUM's during a thirty day time period, for twelve months out of the year. In addition, while expected yields are not available for the fifth soil type, the USDA Survey indicates that this soil type is mostly used for range. It should be noted that Santa Cruz's coastal rangelands are naturally more productive than similar land located in interior counties or other coastal counties. Factors that contribute to this increased productivity include greater rainfall and a longer growing season. In short, based on soil type alone, prime range soils would appear to cover nearly all of the proposed new Coastal Area F and also constitute a majority of Coastal Area C.

Second, as noted above, the entire site has in fact been used for the grazing of livestock, and the adjacent

[37] United States Department of Agriculture, *1979 Soil Survey*.

site remains in grazing use. Thus, actual site use supports the soil type analysis. Indeed, the City's viability study acknowledges that the site has been used for livestock grazing "with some frequency throughout the years." The study goes on to describe the soils of the property as:

> *sufficient to support many of the high-nutrient native and exotic plant species common in the area such as burclover, soft chess, pine bluegrass and purple needlegrass**, which provide excellent feed for cattle and livestock***[38] *[emphasis added].*

Notwithstanding this conclusion, the viability study cites the lack of actual production records and makes estimates, based on summer site observations (late June to early July), that the land could accommodate only one animal unit per 4-5 acres from late spring through mid-fall (7-8 months). The study does not address the USDA soil capability criteria, or provide any supporting documentation for this conclusion. Indeed, the study concludes that it is "difficult to ascertain with any degree of certainty how many animal units the property could support in the absence of actual production records." Given this uncertainty, coupled with the historical evidence of actual grazing use, the USDA yield criteria, and the study's conclusion that the soils are sufficient to provide "excellent feed" for cattle and livestock, the Commission concludes that there is substantial evidence that the land of Area C would be prime under the third Coastal Act criteria. Insufficient evidence has been presented to conclude otherwise.

Coastal Act $200/acre Return Test

Area C also qualifies as prime agricultural land under the fourth test: the $200 return per acre criteria. First, as discussed above, Area C has been in strawberry cultivation for the last decade. There is no doubt that strawberries are a high end crop in Santa Cruz County and California generally. In 1994 California's annual strawberry crop was valued at over $300 million, and accounted for approximately 75% of fresh strawberry consumption in the U.S.[39] About 95% of the state's strawberries are produced in coastal areas, because of the extremely favorable marine environment. Of the 19,250 acres of strawberries planted in 1994, more than half were in central coast counties.[40]

The average yield for strawberries in the County is 5,000 flats per acre, while typical sales prices range from $3.00 to $7.50 per flat. The PVUSD FEIR also acknowledges this. Recent data suggests that the prices and/or yields have generally ranged on the higher side, with the value of strawberries "hovering around $30,000/acre" for the last 20 years.[41] The production costs of strawberry production can vary widely depending on site characteristics. Establishing site specific cost data is also a sensitive area; however, information provided to staff from a reliable source indicates that an average input cost range for strawberries, including harvest, of $25,000. One published study supports this finding, estimating the production costs at $24,600/acre.[42] Another study found higher costs, placing production costs for an

[38] Mills, p. 11
[39] Gliessman, Stephen, et al., *Conversion to an Organic Strawberry Production System in Coastal Central California: A Comparative Study*, Agroecology Program, U.C. Santa Cruz, (1994).
[40] *Id*.
[41] Pajaro Futures Study, 4-8.
[42] Gliessman, p. 1.

average harvest of 5,000 trays closer to $30,300.[43]

As with most agricultural crops, the net economic gain from strawberries can fluctuate year to year, depending on market trends, climate, etc. Nonetheless, because of their high economic value, strawberries also generally produce a high net income. Two studies prepared for the Commission in the late 1970s determined net incomes for strawberries that far exceed the $200 standard. *Economic Considerations of Coastal Agriculture* (1979) indicated a net revenue of between $2,237 (10-year average) and $3,080 (5-year average) and *Analysis of Agriculture on the Oxnard Plain* (1977) indicated a net income of $2,278 per acre. More recent reports indicate that profits of $3,500, $5,000 per acre are not uncommon and one study showed a return of up to $9,738 per acre for organic strawberries no less.[44]

Slightly over half of Area C is planted with strawberries and harvested. Conversations with Mr. Emigdio Martinez, the current agricultural operator of Area C, indicate that he leases 70 acres. [45] The City's Viability study describes 15 acres of available land on the project site, and 45 additional acres of cultivated land on the remainder of Area C. Mr. Martinez also indicated that strawberries on Area C are profitable, and that Area C produces between 5000 and 7000 trays/acre, which is generally higher than the County average. Using the range of average sales prices for strawberries, the gross income for the site could range between $15,000 and $52,500 per acre in any given year.[46] Assuming 6000 trays per acre at $5.25/tray, the gross income of the site would be $31,500. Even assuming a high production cost scenario of $30,000/acre, the net return would be $1,500/acre, well over the $200/acre criteria of the Coastal Act. This would translate to approximately $52,500 – $60,000 net income for the 35-40 acres of the site that the current operator indicated is usually in production.[47]

Of course, as mentioned earlier, it should be acknowledged that a particular crop may not be "profitable" in any given year depending on a variety of conditions.[48] Nonetheless, given the return of the typical strawberry crop, it would be difficult to conclude that Area C is not prime agricultural land under the $200/acre return criteria over the longer run. (This assumes that “return” in the Williamson Act means “net” return as opposed to gross. Under the more liberal interpretation that return means gross income, there is absolutely no doubt that the site would qualify as “prime”.[49])

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[43] Agricultural Extension University of California, 1996.

[44] Gliessman et al. 1990; Webb 1994; Cochran 1994; all cited in The IPM Practitioner Vol. 16, July 1994.

[45] Personal Interview, Emigdio Martinez, 1/31/00

[46] Some factors contributing to price fluctuations typically include market demand, quality, and condition. Others may include whether the strawberry crop has been grown for juice, packaged freezer sale, or fruit purposes. There are numerous factors affecting the selling price, some of which the grower is unable to influence. No evidence is apparent that conditions of Area C are so drastically different than the norm that it would be unable to return at least $200 annually per acre.

[47] Martinez, 1/31/00.

[48] While indicating that strawberry production on Area C was generally favorable, Mr. Martinez also indicated that he will break even with some harvests. Martinez, 1/31/00.

[49] Unfortunately, the Williamson Act does not provide a definition of “return.” The Commission notes that litigation is currently being pursued alleging that the site would qualify as prime agricultural land under the fourth criterion revolving largely around the question of whether “return” means “net” or “gross.” While the $200 “return” may seem to be a low

The Commission also notes that the $200 figure may not be appropriately adjusted for current economic conditions. Indeed, the State Commission on Local Governance for the 21st Century has examined this issue and recommends raising the fourth prime standard to $400 per acre, as adjusted annually by a factor which is equal to the ratio obtained by dividing the consumer price index for January of the immediately preceding year by the consumer price index for January 1, 2000. Still, even if the Legislature adopts this revised criteria, the site would still easily meet the "prime" test, based on net return.

In contrast to this general and site specific economic evidence, the City's agricultural study states that, "it may be concluded that the agricultural viability of the site is at the lower end of desirability and profitability in the area." With respect the productivity of strawberries, the study concludes:

- *Cultivation of 15 acres on the proposed high school site (currently for strawberries) is insufficient to support a farmer with the proceeds of production;*
- *Production on the high school project site does not contribute significantly to the general production of the Watsonville area in any given crop, and;*
- *The trend in recent years has been that increasingly fewer acres are cultivated while there has been a corresponding increase in costs per acre to farm, resulting in steadily declining productivity and profits.*

The Commission finds insufficient support for these conclusions. First, Coastal Area C totals 139 acres and the portion west of the farm road is currently used in its entirety for agricultural production. The current and past agricultural practice at this location has been to rotate crops over the entire area with some acreage being actively cultivated, while the rest is left to fallow. This is common practice for strawberry operations. The City's submitted viability study is based on an analysis of only 15 acres of the Area C site – that is, a small portion of the proposed new Coastal Area F. This is not an appropriate methodology given that the entire Coastal Area C west of the farm road is used for agricultural production.

Second, strawberry production at the proposed site does constitute a contribution to Santa Cruz County's top grossing crop. Annual crop reports for the County from 1993 to 1998 confirm this, and indicate a fluctuating gross income from strawberries between 72.3 to 104.4 million dollars annually. In addition, the amount of acreage constituting the strawberry operation upon Coastal Area C is comparable to similar operations in the greater Watsonville area.

Lastly, there has been no trend in decreasing amounts of cultivated acreage in recent years within Santa Cruz County. The United States Department of Agriculture performs an agriculture census every five years. Census data for the County for the years 1987, 1992, and 1997 indicate that the total harvested cropland has remained relatively stable during this time period, ranging between 20,469, 22,541, and 22,229 acres for the respective census years. The Santa Cruz County Agricultural Commission reports that strawberry production has increased 269% between 1977 and 1997.[50] Indeed, the recently conducted

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threshold to determine prime land, especially if it is to represent a "gross" figure, one must be aware that it's context is the Williamson Act, a measure designed to give tax breaks to agricultural land owners.

[50] Pajaro Valley Futures Study, p. 4-13.

Pajaro Futures Study concludes:

> *Strawberry production should remain secure, although it may not continue to expand at the same rate that it has recently. There is no competition for summer production.*[51]

Although the Pajaro Valley Futures Report provides some discussion of possible future increases in water and labor costs, Commission staff has been unable to verify the statement of increasing production costs for the County through any published sources. However, it can be argued that since there has been relatively little change in the amount of acreage harvested, there has been no trend in significant increase in the costs to farm.

Apart from the general conclusions of the City's viability study, the study did provide a more specific analysis of Area C productive capability. When examined closely, this analysis also supports the Commission's conclusion that Area C land is prime under the $200/acre return test. The study estimates that strawberries on the site would generate a profit of $1,950 per acre or $29,250 for the 15 acres. This assumes an average yield of 5000 trays/acre for 15 acres, produced at a cost of $6.36/tray, and sold for $6.75 per tray. However, the study also assumes that 30-40 acres are needed to produce 15 acres of strawberries, because the crop must be rotated. This reduces the per acre profit to between $731 and $975 per acre. The Study then assumes that 55 acres (the proposed area of the school) must be rented to produce the 15 acre profit, thereby reducing the per acre profit to $532/acre ($29,250/55). Finally, the analysis then notes that the rental cost of the property is $750/acre and concludes that the "profit potential from the production of strawberries . . . is minimal at best."[52]

This conclusion, though, would seem to be based on a number of critical incorrect assumptions. First, rent does not have to be subtracted from the per acre profit because the production cost formulas used to derive the $6.36/acre production cost figure already included a land rent cost of $1,000 per acre -- $250 more than the apparent rent that the current operator pays.[53] Without such double counting of rent, the Area C profit would be $532/acre – well over the $200/acre criteria.

Second, although strawberries may be grown on a rotation basis, it is not uncommon in California for strawberries to planted as an annual, as opposed to perennial, crop.[54] Mr. Martinez indicated that he usually had 35-40 acres of the 70 acres of Area C that he leased, in production at any one time.[55] This would mean that a profit of $1950/acre would be earned for these acres every year. Even assuming that Area C profit was $1950/acre every other year, the average annual profit would still be $975/acre, or $39,000 a year. Moreover, if and when strawberries aren't planted, an alternative crop may be planted, which would make up some of the lost income for that year and acreage.[56]

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[51] Id. 4-2.
[52] Mills, p.10.
[53] Agricultural Extension of University of California, *Strawberry Sample Costs 1996*.
[54] *IPM Practitioner*.
[55] Martinez, 1/31/00.
[56] Mr. Martinez in fact indicated that he had grown broccoli in the past; the City's study notes that the cite was planted in broccoli in 1996, p. 10.

It is clear that the $1,950 greatly exceeds the $200/acre criteria, as does the adjusted figure of $975 assuming one year of production, one year fallow. In short, the Study's conclusion should have been that the site is prime land under the fourth criteria of the Coastal Act. The $1,950 figure is consistent with other published data cited above.

Finally, apart from the economic analysis of Area C strawberry production, the FEIR assumes, and the PVUSD has recently asserted again, that the site is not profitable because the current tenant is reportedly unable to make his rental payments. However, it is not appropriate to use social or personal factors to determine whether the prime criteria is met, because the criteria is based on "normal" conditions. The non-receipt of rent says nothing about the actual return of the land based on harvest and market conditions. In short, the City presents no credible evidence to refute that Area C's agricultural acreage can "normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre."

Other Tests

The Commission notes that while it must rely on the Coastal Act/Williamson Act definition of prime agricultural land, other classification schemes have been developed to attempt to more appropriately categorize agricultural land. These have been offered in recognition that some lands which rate low on the Storie Index or land use capability system, such as Area C, are extremely productive for certain crops, and that these indicies may not fully account for other factors such as climate and the economic return of certain crops that would make certain lands prime.

For example under State Law, local agency formation commissions are required to use a definition of "prime agricultural land" that encompass the four criteria referenced in the Coastal Act uses plus two additional criteria (which are also found in the Williamson Act): Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than $200 per acre for three of the previous five calendar years (this used to be a Coastal Act criteria, but was amended out) and "land which is used to maintain livestock for commercial purposes." As another example, the State through the Department of Conservation has developed the following categorization for important farmlands: "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," and "Farmland of Local Importance."

Examining these other criteria, the upper half of Area C is primarily mapped as "Unique Farmland" and "Farmland of Statewide Importance" with slivers of "Prime Farmland" and "Grazing Land." Land under these categories is considered "prime" by the County of Santa Cruz. The County also considers all lands having a designation of Commercial Agriculture to be prime agricultural land. Commercial agricultural land is composed of ten different types, including the State's Unique Farmland. The County conducted a detailed assessment of its agricultural land about 20 years ago to arrive at its agricultural resource determinations (and it has a process for updating these determinations).

Conclusion

In conclusion, the Commission finds that the evidence supports a determination that the agricultural portion of Area C is "prime." This land meets both the $200/acre economic return criteria and the grazing

capacity criteria of the Coastal Act. Nor has any substantial evidence has been presented to negate this finding. Moreover, the agricultural portion of Area C would appear to continue to be considered "prime" under an economic criteria adjusted to reflect inflation and current conditions.

3. Direct Loss of Prime Land

The proposed amendment does not achieve the Coastal Act Section 30241 mandate that the maximum amount of prime agricultural land be maintained in agricultural production in order to maintain the agricultural economy of the area. Under the current LCP, the maximum site coverage for non-agricultural uses is 10%. While the LCP does not guarantee that the remaining acreage stay in agriculture, that is a likely outcome. Indeed, since preparation of the LUP in 1982, agricultural use on Area C has converted to a high end agricultural crop.

Under the proposed amendment, maximum impervious coverage is 50% on proposed Area F and 10% on proposed Area C. Beyond impervious surface coverage, schools (as opposed to industrial developments) have significant pervious surfaces for playfields (as the PVUSD's draft site plan for its high school illustrates). Also, given the incompatibility of a school with agriculture, the proposed amendment increases the potential to eliminate the entire prime agriculture acreage on proposed Area F. This does not comply with the maximization of the amount of prime land required under Coastal Act Section 30241. And as will be discussed below, it leaves less possibility of any continued agriculture on the farmable portion of the remaining 63 acres of Area C. Again, this does not maximize prime agricultural land retention.

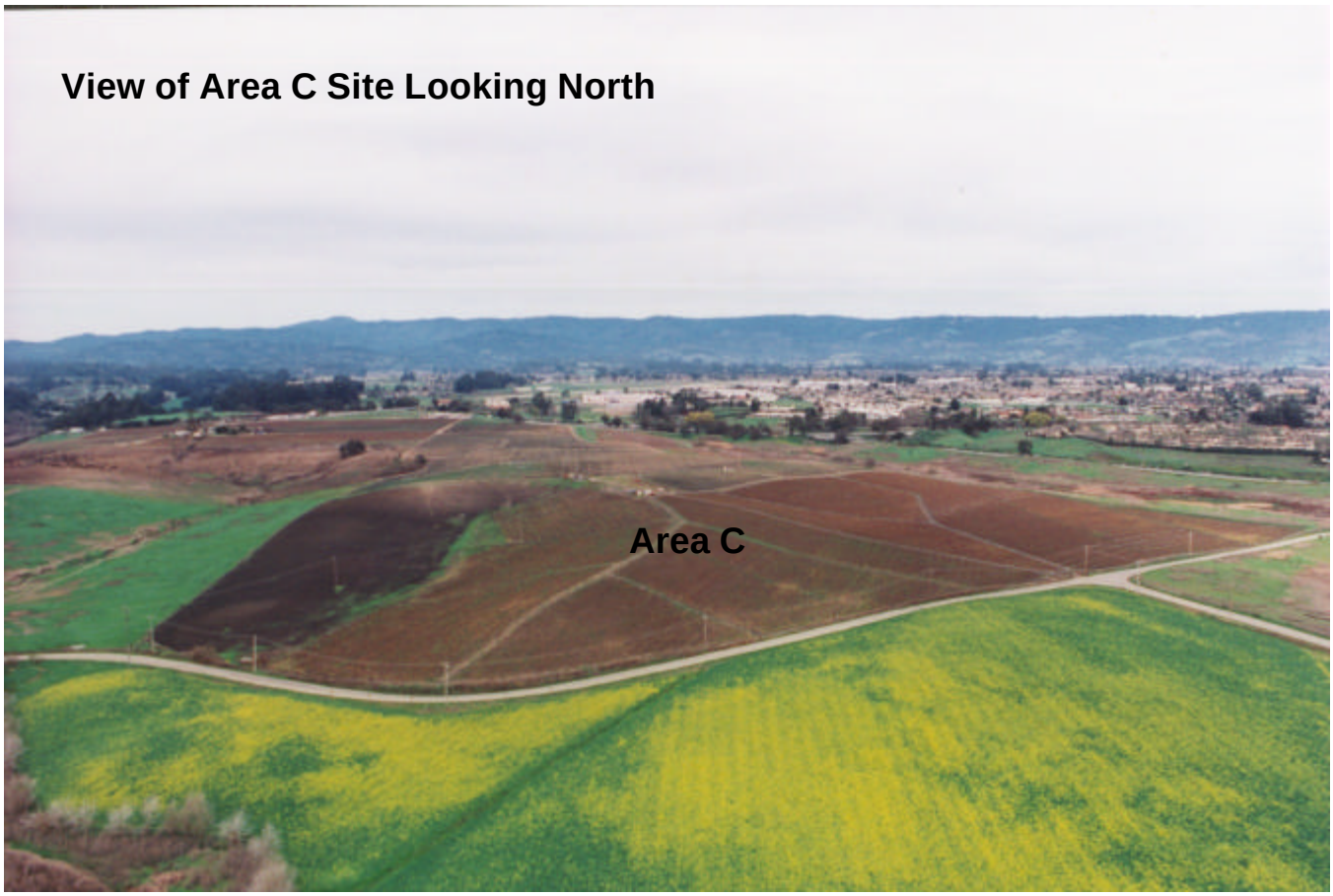
The Commission notes that even if the land in question were not itself defined as prime, Section 30241 is relevant. The determination of whether the land in question is prime land is not the key to analyzing the proposed amendment. More significantly, the amendment proposal is located in an area that makes a contribution to the agricultural economy of the region. In other words, Area C is situated in an agriculturally productive area -- one of the most productive in the state. Preservation of this economy is the primary intent of Coastal Act policies addressing agriculture. Under this goal the preservation of prime agricultural soils seeks to preserve the substrate that is inherently able to make a substantial contribution to this sector of the economy. Thus, the various subsections of Section 30241 apply to any amendment for the site (see finding below for more discussion).

4. Lack of Buffer Between Urban and Agricultural Uses

The proposed amendment would not serve to create the stable urban-rural boundary required by Section 30241(a) of the Coastal Act, as discussed in the above finding 6.2.2. Nor does the proposal include adequate buffers to agricultural land use in the vicinity (Section 30241(a)), or prevent the diminishment of the productivity of adjacent prime agricultural lands pursuant to Section 30241(f) (as well as Section 30242 for non-prime land conversions).

The proposed amendment could result in the complete elimination of agriculture on Area C. The City's submittal indicates that the proposed school project will have a 200 foot buffer to adjacent agricultural land. However, a review of the draft plans does not reveal so wide a buffer. In fact grading is shown up to and even beyond the boundaries of proposed Area F. The Commission, though, is not reviewing the project application at this time, it is reviewing the LCP amendment request. The actual submitted text revision contains no mention of a 200 foot, or of any, agricultural buffer. The LCP provides for only a 20-foot setback from front and rear property lines, regardless of the adjacent uses. On the perimeter of proposed Area F there is about 1,400 feet of agricultural land across Harkins Slough Road and about 1,000 feet of grazing land on the adjacent Rocha property in Santa Cruz County to the west. Proposed Area F borders remaining Area C's fields for about 1,500 linear feet. The remaining Area C borders agricultural land grazing land and cultivated fields to the west for about 2400 feet and a slight bit to the north.

Typical incompatibility issues raised at urban-agricultural land use interfaces include: noise, dust, and odors from agricultural operations; trespass and trash accumulation on agriculture lands; road-access conflicts between agriculturally related machinery and automobiles; limitations of pesticide application,



urban garden pest transfer, theft, vandalism; and human encroachment from urban lands.

Pesticide application on adjacent agricultural fields is particularly important to this amendment. The proposed amendment introduces a new potential site use – a public school – that involves a substantial number of youths and adults on the site, including outdoor use. In recent years, concerns have been raised by parents concerning PVUSD schools (e.g., Ohlone and Amesti) adjacent to agricultural fields. Historically, such conflicts mark the beginning of the end for agricultural practices that soon become branded as public nuisances as urban uses encroach upon them.

Current requirements for users of "restricted materials" are such that they must obtain both special training and a site-specific permit from their county agricultural commissioner. One such "restricted material" that may be used on adjacent strawberry fields is Methyl Bromide, which is scheduled to be phased out of use by 2005. Methyl Bromide is a fumigant commonly used in strawberry cultivation operations. Before the Agricultural Commissioner can issue a permit they must first take into account the presence of sensitive sites in the area. Sensitive sites typically include schools, hospitals, and residential neighborhoods. Faced with this, a Commissioner may deny the permit, or may require specific use practices designed to protect health and the environment. Without an adequate buffer between a public school use and adjacent agricultural fields, the current permitting process by the county Agricultural Commissioner may further impact the viability of adjacent agricultural operations. For example, without an adequate buffer the potential exists for the Agricultural Commissioner to deny pesticide application permits on adjacent fields due to the presence of a school. Over a period of time this may negatively impact the viability of the adjacent agricultural operation. Furthermore, additional specific use practices not previously required may also negatively impact adjacent operations by increasing costs. Either situation illustrates the proposal's inability to prevent conflicts between urban and agricultural land uses.

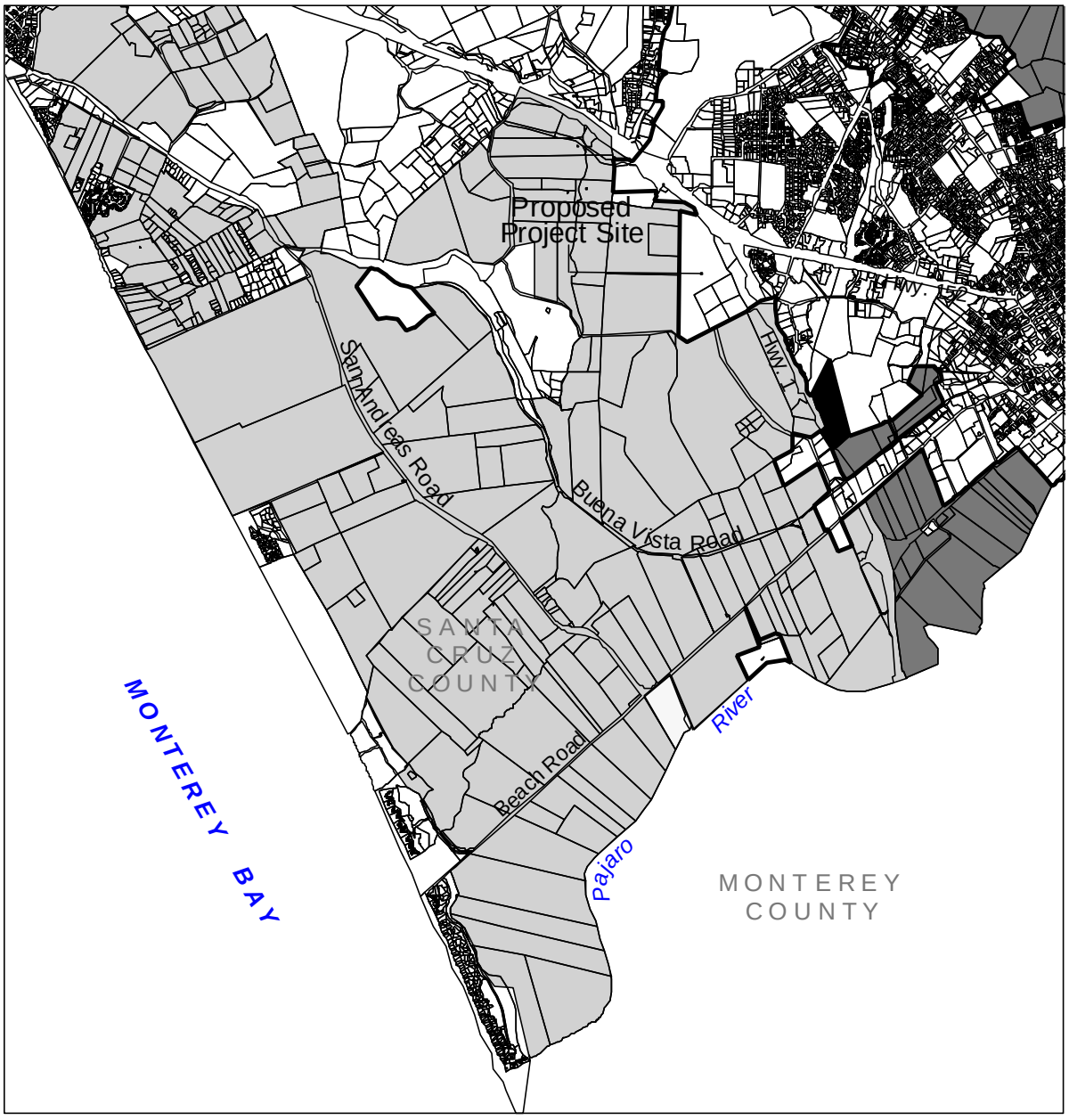
In conclusion without any mention of agricultural buffering and with only a minimal 5 to 20-foot setback, the proposed LCP amendment clearly does not meet the Coastal Act's buffering standard.

5. Premature Compromising of Agricultural Viability

The proposed amendment would not facilitate agricultural conversion due to severely limited agricultural viability caused by urban conflicts, which is another test of Coastal Act Section 30241(b). This section of the Act is meant to situations where urban uses are actually putting stress of adjacent agricultural lands. For example, if there was destructive particulate matter in the air from industrial development or high levels of vandalism, then these impacts could be a justification for agricultural conversion.

No evidence is apparent or presented by the City that urban uses are impacting Area C's fields. As noted, nearly all surrounding land from the western border of Highway 1 all the way to Monterey Bay, is currently in agricultural production (see Figure 11). Current agricultural use is not in conflict with urban areas across Highway 1. Highway 1 presents a suitable buffer to prevent conflicts from arising and the access to the area west of the highway is adequate. If anything, agricultural viability of the area has been enhanced over the years as the site now supports row crops where it previously was only used for grazing. Thus, the proposed amendment clearly does not meet the conversion standard of 30241(b).

Figure 11: County Agricultural Lands in Vicinity of Area C



Viable Agricultural Land in Coastal Zone
Viable Agricultural Land
Agricultural Preservation Zone
Limited Agricultural Land-Geographically Isolated
City of Watsonville
Parcels

N
0.5 0 0.5
Miles

Data Source: Santa Cruz County Planning Department. 2/00
County LCP and General Plan Agricultural Land Classifications.
(City Agricultural Land not shown).

GMB, 2/00

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

Technical Services Division
California Coastal Commission

The City nonetheless has made the assumption that viability has been compromised by urban conflicts. Therefore, as discussed earlier, it has submitted a viability analysis pursuant to Section 30241.5, to ascertain economic viability. Again, this study states that, "it may be concluded that the agricultural viability of the site is at the lower end of desirability and profitability in the area." However, as discussed previously, there is not convincing evidence indicating that the economic viability of the agricultural operations at the site have already been compromised.

6. Developing Beyond Completion of a Viable Neighborhood

The proposed amendment would not complete a logical and viable neighborhood and contribute to the establishment of a stable urban-rural boundary -- another test of Section 30241(b). As previously discussed, the amendment does not propose a new urban-rural boundary. The "boundary" that would result from the amendment would be much less stable than the existing Highway One boundary. Since there is no other urban use nearby, the proposed amendment would not complete a logical and viable neighborhood; it would instead be seen as the start of new neighborhood. While there are very few residences on the ocean side of Highway One in the vicinity that would use a high school, if it were built on the site, the site can not be considered within a neighborhood for school attendance purposes.

The area west of Lee Road and south of Harkins Slough Road (referred to as the Tai property) across from Area C has been the subject of a recent application for residential development. Owners of the Tai property requested a general plan amendment that would have allowed 1,800 housing units. However, in 1999, the City rescinded its resolution to include this area within it urban limit line. This development proposal would be the only potential neighborhood in proximity to the site. However, since the proposal is currently inactive it carries no relevance in the context of this LCP amendment request.

Thus, the proposed amendment clearly does not meet the viable neighborhood standard of the Coastal Act.

7. Other Land Available for Conversion Not Being Pursued

The amendment would result in conversion of agricultural lands prior to developing available lands not suited for agriculture, which goes against the direction of Section 30241(c) of the Coastal Act.

Although the City of Watsonville has limited options to expand urban development, there are other possibilities that do not involve agricultural land. The issue of where Watsonville should expand is a controversial, hotly-debated topic locally. The Coastal Commission is unfortunately only in a position to decide on urban expansions into Coastal Zone agricultural lands, as any other expansion areas are outside of the Coastal Zone. Thus, the Commission is not in a position to offer a detailed analysis of alternative urban expansion areas that do not involve conversion of agricultural lands. Nor is it in a position to weigh the tradeoffs of developing certain agricultural lands instead of others where there is no choice but to expand onto farmlands.

Nevertheless, the Commission has reviewed the documents associated with this discussion and notes that both urban infill (including redevelopment) and urban expansion, toward what is known as the Buena Vista area, appear to be viable alternatives to expanding on coastal zone agricultural land. Furthermore,

the Commission notes that growth pressures in the southern Santa Cruz County coastal zone are result of both local demand and external pressures. Watsonville General Plan cites the need for more housing and jobs to serve its youthful citizen's as they become adults. However, a study also reveals that a significant number of Watsonville's jobs are held by non-residents.[57] Even the City itself has expressed concern about a major industrial park in nearby Gilroy that could result in Watsonville being overwhelmed with park employees looking for less expensive housing. At some point, future growth in the area may need to be directed to more appropriate locations other than the coastal zone.

8. Public Services and Other Impairments

The proposed amendment makes an incomplete attempt to ensure that agricultural viability is not impaired through increased assessments as required by Section 30241(e) of the Coastal Act. The City's LCP currently has a provision that prevents special public works districts from forming or expanding so that the assessment and the provision of the service would not induce new development inconsistent with the preservation of agricultural land. This policy is retained and would apply to this site after the amendment. However, as noted in the Development findings, this assessment policy is incomplete, covering only certain types of assessment and certain areas.

The amendment also makes an attempt to prevent degraded air and water quality, which is also required by Section 30241(e) of the Coastal Act. The LCP currently has provisions addressing air and water quality. Under these provisions new development must be consistent with the requirements imposed by the Monterey Bay Unified Air Pollution Control District, designed to conserve water to the greatest practical extent, and collect and dispose of runoff from impervious surfaces and areas subject to vehicular traffic in a way which does not result in soil erosion or degradation of water quality. These provisions are important because some of the conditionally allowed uses could be potential air and water polluters. Again, allowing increased intensities of such uses would commensurately increase the potential pollution problems. Water quality issues, non-point pollution from storm water runoff of created impervious surfaces. In conclusion, the proposed amendment does not adequately address impaired agricultural viability as required.

9. Land Divisions to Split Viable Agricultural Land

The proposed amendment may complicate Coastal Act Section 30241(f)'s mandate to not diminish the productivity of the prime lands through subdivision. The effect of the amendment is to divide the agricultural use of Coastal Area C, all of which is currently used as part of a much larger agricultural operation. Division of the parcel by committing approximately half of it to the proposed high school would diminish the productivity of the prime land found on Area C. Therefore, the proposed amendment does not adequately address divisions of prime agricultural land as required.

10. Non-prime Agricultural Land Conversions

[57] Economic and Planning Systems, *Watsonville Economic, Business/Industrial Park, and Labor Force Market Analysis*, July 1997.

The proposed amendment contains language that mirrors Coastal Act Section 30242. Were the land in question to be all undisputedly non-prime, then this amendment language begins to make sense. However, as discussed above, that is not the case. And, the prime definition is in part an economic criteria that could change over time. Thus, the proposal to use the non-prime conversion test as the sole test is problematic. In particular, it ignores the possibility that the land could be prime and thus ignores the Coastal Act policy to protect the general area's agricultural economy. Additionally, as previously noted, there is an internal inconsistency built into the document in terms of the different conversion allowances languages. Furthermore, by containing the Section 30242 language only and the assertions that there is no prime land in the City's coastal zone, the land use plan, as amended, leaves the impression that the operative provisions of Section 30241 do not have to be applied.

11. Coastal Act Consistency Conclusion

Land Use Plan Amendment Inconsistent with Coastal Act

In conclusion the proposed amendment is clearly inconsistent with the Coastal Act's agricultural policies for two overarching reasons. First, it does not maximize prime agricultural land preservation, rather it results in a reduction of prime agricultural land. Second, it does not in any way seek to minimize conflicts between agricultural and urban land uses. There are few specifics for buffers, assessments, runoff control, and the like that would be necessary to have a compliant policy. None of the five criteria under Section 30241 are met. Therefore, the amendment must be denied as submitted.

Implementation Amendment Inconsistent with Certified Land Use Plan

The lack of specific ordinances to address the Coastal Act agricultural protection policies is carried over into the Implementation Plan. Typically, an implementation plan contains more detail to be able to implement the policies. Since the proposed amendment simply mimics the proposed land use plan amendment, and since the land use plan amendment must be denied, so too must the implementation plan amendment. If there were a land use plan amendment that carried out the Coastal Act, then an adequate implementation plan would have more detailed measures such as precise buffer procedures and the like. The proposed implementation plan contains none of this.

E. Modifications Required to Achieve Coastal Act Agriculture Conformance

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

1. Modifications to Result in a Certifiable Land Use Plan Amendment

Some of the objectives of the City's submittal can be accomplished through a modified local coastal program amendment that addresses the Coastal Act agricultural policies. The denial findings indicate that

alternatives are available for urban expansion other than using the subject site. Also, the Coastal Act does not require that a local coastal program accommodate all projected local growth. It is more accurate to contend that in the coastal zone, growth is to be limited by the constraints of resource protection. Agricultural use remains the priority use for the site. Any weakening of the standards to allow a conversion to other uses or any increase in the maximum intensities already potentially allowed for any other uses would not preserve the maximum amount of prime agricultural land as required by Section 30241.

Modifications Generally Applicable to the City

The intent of the local coastal program provisions, when read together, is to ensure that any uses allowed on Area C do not alter the rural character of the area and are not growth-inducing. The effect of applying all of these policies should be for the site to remain in agriculture or at least mostly in agriculture. It is possible, however, that a liberalized application of each policy on its own could result in some development that does not have such a result. Therefore, the Commission finds that some additional specificity with regard to siting and public services is necessary to fully guarantee that any other use that may be approved will preserve the remainder of Area C and the lands beyond in agriculture. This is accomplished by adding modifications to: (1) recognize that Section 30241 of the Coastal Act is also applicable to the City (see modification 7.A.1) and that there are prime agricultural lands in the City (see modification 7.A.2); (2) ensure that both the general agricultural conversion policy and then specific area policies are internally consistent and consistent with the Coastal Act. (see modification 7.A.1); and (3) ensure that the coverage limitations result in clustering (see modification 4.A.2). Although the City of Watsonville does not have any required non-impervious surface coverage (e.g., landscaping) for industrial uses, such uses typically have some small percentage of their sites (e.g., 10%) so devoted to green spaces. Allowing 10% for landscaping and grounds would result in a building envelope of 8 acres and leave about 55 acres for agricultural use and buffers. A building envelope of 8 acres (and an impervious surface coverage maximum of 7 acres) would be more than adequate for the other permitted uses as well (e.g., for 15 homes), especially if septic systems were allowed beyond these envelopes within the agricultural buffer zone.

Modifications Specifically Applicable to a Public School on Area C

With regard to a public school use on the site, the Commission recognizes that it is a critical public use and the primary objective of the City's proposed amendment. The Coastal Act also recognizes the importance of education, both in terms of mutual planning for such beneficial uses, and in terms of the importance of an educated citizenry to the protection of the natural environment:

> *30001.5 (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*
>
> *30012 (a) The Legislature finds that an educated and informed citizenry is essential to the well-being of a participatory democracy and is necessary to protect California's finite natural resources, including the quality of its environment. The Legislature further finds that through education, individuals can be made aware of and encouraged*

to accept their share of the responsibility for protecting and improving the natural environment.

Unfortunately, State Planning law does not require coordination of municipalities' general plans with school siting, nor does it prohibit school siting on agricultural lands. Thus, it is not surprising that the current City of Watsonville General Plan (and Local Coastal Program) does not have adequate school sites reserved for the amount of population that the plan allows. It is also not surprising that the proposed amendment targets agricultural land on the edge of the City, since such land is usually less expensive to purchase, there are fewer neighborhood concerns to address, and other land is already developed or committed to other uses.

Also, to date, there has not been a mandatory program in this area to directly mitigate against agricultural land conversion. For example, in the City of Carlsbad, developers of agricultural lands that are allowed to be converted have an option of paying a one-time mitigation fee of between $5,000 and $10,000 per acre A recent Santa Cruz County permit for temporary stockpiling on agricultural land nearby (A-3-SCO-98-96; still pending before the Commission on appeal) established a $600 annual fee per acre for every year that the fields would be unavailable to farm. The County has an Agricultural Conservation Easement program "to preserve and protect productive farmland in Santa Cruz County and to provide farmers an economically viable option to remain in agriculture. The program purchases agricultural conservation easements, which are valued as the difference between the fair market value of the land without restrictions and the value with restriction (i.e., with the easement). For example, the program purchased the development rights on the nearby 39.8 acre Cardoza Ranch (of which 18.5 acres are in agricultural production) for $212,000 (or $10,800/ agricultural acre). However, this program was established in order to receive grant money, not for compensatory mitigation purposes.

In addition to the suggested modifications discussed above with regard to urban services, modifications to the amendment could address the various criteria of Coastal Act Section 30241 and the deficiencies noted in the denial findings in the following ways:

No Feasible Alternative for Limited Time Period

First, a school could be allowed only if there is no other feasible alternative location. Coastal Act section 30241(c) requires developing available lands not suited for agriculture prior to conversion of agricultural lands. The Commission is not in a position to dictate alternative public high school sites especially since the viable sites are outside of the coastal zone, and that task is the responsibility of the school district. The Commission notes that the school district has examined alternative sites and rejected them. Some of the alternative sites would not involve conversion of agricultural land but have other characteristics that make them less desirable to the School District than the subject site. Thus, while one may argue that technically these sites are "available" since the School district has condemnation powers, they may not be available in a timely manner necessary to secure funding and build a high school expeditiously to relieve overcrowding because the school district has not pursued them (or has stopped pursing them in the case of the Green Valley site) in the same fashion that it has pursued the subject site. If the Commission were to deny the amendment in total without offering any modifications, then the school district would be set back for some time period in pursuing one of these alternatives. Therefore, a modification can be added to give

the City authority to allow a specific public school project (e.g., the proposed high school), if it makes a finding that there are no suitable non-agricultural sites available for the proposed public school use (see modification 4.A.2).

If the PVUSD does not or cannot pursue its proposed high school on Area C in the near future, then this rationale disappears. If PVUSD pursues another alternative, or the district is reorganized in a manner that obviates the need for a school in the vicinity, or student enrollment projections change so that a new high school is unnecessary, then the site will not be needed for a public school and this option can sunset. If a new school is still being contemplated more than ten years from now, circumstances in terms of availability and feasibility of sites will have changed enough to render this exception rationale outdated. Furthermore, under the Coastal Act, ten years encompasses at least two periodic review cycles (although as a practical matter, more likely one). Periodic reviews offer the Commission a chance to examine a local coastal program in light of new circumstances and knowledge, but not to unilaterally make changes. By including a sunset provision, the Commission is not permanently bound to this decision to allow a more intensive site use and can use the periodic review process to reexamine this issue.

Compact Design

Second, a provision could be added requiring a public school to be sited and located as compactly as possible in a manner to preserve the remainder of the site in agricultural use and not be further subdivided. (see modification 4.A.2). However, there is trade-off in this approach. The proposed high school does cluster development on the southern portion of the site; thereby, suggesting the northern portion could be restricted to continued agricultural use. However, the currently proposed design intrudes on sensitive lands, as will be discussed in the subsequent findings. Therefore, the allowable building envelope will extend into the remainder of proposed Area C. Given Area C's wetlands and environmentally sensitive habitats, steep slopes, and proximity to agricultural and habitat lands, the maximum development envelope of the site, after buffering, is approximately 42 acres. According to official State guidelines, that could accommodate a high school of 2,000 students. These are only guidelines and through judicious site planning, the envelope could likely accommodate more students. Although PVUSD desires to house 2,200 students at this site eventually, if enrollment projections did not materialize, and if a tight site plan were prepared, or if PVUSD is prevented from building in this area because of airport safety reasons, then all of the development envelope may not be needed for a school. If PVUSD were to acquire all of Area C, then it should be required to make available for farming any of the land not in school use (or habitat or buffer use). Although the remainder area may be small, the adjacent parcel is also farmland (the current Area C tenant also leases that adjacent parcel), so a farmer could combine farming on the remainder with other land he or she also leases.

Water Availability

Third, the well on the site could be made available for agricultural use. Although PVUSD officials expressed concern that retaining the well would interfere with a school design, it should be possible to isolate the well in a space off-limits to students and construct a pipe from it. The current tenant expressed that he could continue farming on any remainder of the property, but only if he could still make use of the well. (see modification 4.A.2).

Buffer

Fourth, there could be a buffer between a public school and agricultural use. There is no magic in terms of what is an adequate agricultural buffer. The Coastal Act does not provide for specific buffer distances. Consequently, these are appropriately determined through localized planning processes such as LCP's. North Monterey County uses at least a 200 foot buffer. Santa Cruz County uses a 200-foot buffer, but allows case by case reductions based on certain criteria. San Luis Obispo County uses a variable buffer ranging from 50 ft (for grazing) to 800 feet, depending on the type of agriculture. The Commission findings for coastal permit 3-83-076-A13 provide useful guidance as well. These findings reference a 1998 study conducted by the City of Santa Cruz on agricultural buffer policies within 16 counties and 4 cities in the State. In summary the results of the survey were such that buffer distances varied widely. Those jurisdictions with a specific buffer distance had row crop buffers ranging from 25 feet to 500 feet. In addition, in almost every case buffer distance requirements could vary (both increase and decrease) from the specified distance depending upon site-specific conditions

A complication with regard to Area C is that the site is already in agricultural production. Usually, buffers are provided on sites to be developed so as not to compromise the adjacent agricultural land. In this case, however, it will be necessary to take agricultural land out of production to achieve any needed buffer. Thus, maximizing the buffer may not be the best solution if it entails removing agricultural land that could otherwise be kept in production. On the other hand, any new use with its buffer should be compatible with continued adjacent agricultural use so that the adjacent use does not have to give up some farmland to make up the difference. Given the nature and intensity of the school use, and given Santa Cruz County's buffer standards (that apply elsewhere in the vicinity), a 200-foot buffer between any public school use and adjacent agriculture is the minimum appropriate (see modification 4.A.2).

Right-to-Farm

Fifth, as a complementary measure the City of Watsonville could enact a "Right-to-Farm" policy. Such policies put the jurisdiction on record that its citizens should coexist with the area's economy and not consider it a nuisance. (see modification 4.A.2).

Agricultural Education

Sixth, the school could have an agricultural education component, as does Watsonville High School, for students to learn about sustainable agriculture. Watsonville High has an agricultural department with eight separate classes. Perhaps some agricultural elements could occur on site (e.g., organic garden). (see modification 4.A.2).

Conclusion

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the Land Use Plan as amended and as further modified is approved as addressing Coastal Act policies with respect to agriculture.

2. Modifications to Result in a Certifiable Implementation Amendment

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry

out the land use plan. Since the land use plan is being amended and modified in the manner just described, likewise, the Implementation Plan must be so modified. This means that the Implementation Plan must contain, in addition to the modifications described in finding 3.B.1.E above to ensure that urban development does not extend beyond the City limits, modifications to: require portions of Area C not being developed or in habitat to be used for continued agriculture (see modifications 4.B.1 and 4.B.4); ensure availability of the agricultural well (see modification 4.B.1), include an agricultural buffer (see modification 4.B.1); require an agricultural hold-harmless, right-to-farm agreement (see modification 4.B.1); ensure that the extension of water/sewer is not assessed against agricultural operations in the area (see modification 4.B.3); and incorporate an agricultural educational component (see modification 4.B.1).

Not only must implementation plans be consistent with the land use plan provisions, they must provide the necessary detail to ensure that the land use plan provisions are carried out. Thus, a new zoning section is necessary to detail the mechanics of ensuring that legally-binding mechanisms for permanent buffers as well as protection of any agricultural lands are put in place (see modifications 5.B.3 and 7.B.1). Additionally, an ordinance needs to be incorporated into the Implementation Plan to detail right-to-farm and hold harmless provisions with regard to preventing conflicts between agricultural and non-agricultural uses. Since the conflicted land would be in the County and since the County already has provisions for such hold-harmless agreements, the County certified local coastal program language is used as a model for the modification, along with a right-to-farm ordinance adopted by San Luis Obispo County (see modification 7.B.2). Finally, the provisions of the required Agricultural Viability Report need to be refined to ensure that there is enough detailed guidance for future reports to contain sufficient and accurate information and conclusions (see modification 7.B.3). If so modified in all of the ways outlined here according to the cited modification texts, then the Implementation Plan as amended and as further modified is approved as being consistent with and adequate to carry out the certified Land Use Plan as amended and as further modified with respect to agricultural issues.

3. Wetlands and Other Environmentally Sensitive Habitats (ESHAs)

The Coastal Act provides for the protection of wetlands and other environmentally sensitive habitats. As mapped in the certified LCP, Area C contains approximately 41 acres of wetland and valuable upland grassland habitat. Additional upland habitat (not mapped in the LCP as ESHA) occupies another approximately 25 acres. The proposed LCP amendment would substantially shrink the delineation of mapped wetland habitat areas and confine an ESHA designation only to those areas determined by the City to meet the Army Corps of Engineers definition of wetlands. Further, the amendment would allow for fill of small areas of wetland. Thus, the amendment would allow conversion of some wetlands and associated habitats to non-resource dependent uses. It would also decrease the effective wetland buffer areas anticipated under the current LCP, and potentially harm the slough-related habitats and wildlife at the site through accelerated polluted runoff, noise, lights, and increased activity from intensified development. The amendment is thus inconsistent with the Coastal Act in that it fails to protect wetlands and other environmentally sensitive habitat both from direct and indirect impacts. A modified amendment can be

approved that: redefines appropriate ESHA delineations; provides for adequate and functional ESHA buffer areas; ensures appropriate habitat restoration; limits impervious surface coverage; includes drainage controls and filtering mechanisms for site runoff; directs road improvements away from sensitive habitat areas to avoid direct wetland fill for such improvements; minimizes landform alteration and development on steep slopes; ensures that habitat and buffer restoration and management is adequately planned by experts in the field; limits noise, lights, glare and activity visible and audible from ESHAs and requires adequate screening to ensure this is the case; and that provides for adequate legal protection for sensitive habitats and ESHA buffer areas.

A. Coastal Act ESHA Policies

The Coastal Act is very protective of sensitive resource systems such as wetlands, riparian corridors and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

> ***Section 30107.5.*** *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Almost all development within ESHA's is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

> ***Section 30240(a).*** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> ***Section 30240(b).*** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Article 4 of Chapter 3 of the Coastal Act also describes protective policies for the marine environment and specifically calls out wetland resources. Coastal Act Sections 30230 and 30231 provide:

> ***Section 30230.*** *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
>
> ***Section 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands,*

estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Coastal Act Section 30233(a), 30233(c) and 30233(d) specifically address wetlands protection. In particular, Coastal Act Section 30233 limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:

Section 30233(a). *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Section 30233(c). *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the*

wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the l9 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.…

Section 30233(d). *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

As discussed below, the LCP amendment submittal is not consistent with these coastal resource protection policies of the Coastal Act.

B. Existing and Proposed LCP ESHA Policies

Similar to the Coastal Act, the LUP places a high value on environmentally sensitive habitat areas, and only uses dependent upon ESHA resources are allowed within these areas. Significant disruption of an ESHA is not allowed. Development adjacent to ESHA must be sited and designed so as also protect continuation of ESHA habitat values. LUP general (i.e., affecting all coastal zone areas) Policy II.D.2 and II.D.3 state, in applicable part:

LUP Policy II.D.2. *Environmentally sensitive habitat areas (including but limited to those mapped in Fig. 2) shall be protected against any significant disruption of habitat values, and only uses dependent on such resource shall be allowed within such areas.*

LUP Policy II.D.3. *Development of areas adjacent to environmentally sensitive habitat areas (including but not limited to those mapped in Fig. 2) shall be sited and designed so as to prevent impacts which would significantly degrade or be incompatible with the continuance of such habitat areas.*

The LUP specifically defines wetland and associated upland transitional areas as ESHA.[58] LUP Figure 2 (the LCP's ESHA map, see Exhibit C) maps approximately 41 acres of ESHA (including different areas of freshwater wetland, upland transition, and riparian habitat) on Area C. In addition to the LUP's general policies, Area C-specific ESHA policies further describe ways in which on-site ESHA resources are to be maintained. LUP Policy III.C.3.a states in part:

[58] See also redelineation section in analysis that follows.

> ***LUP Policy III.C.3.a.*** *Environmentally sensitive habitat areas must be kept in a natural state and protected from the incursion of humans, domestic animals and livestock, from erosion, sedimentation and contaminated runoff, and from loud noise or vehicular traffic….*

The LUP's Area C buffer requirements state that all development, including agricultural activity, is to be set back 50 feet for riparian areas and 100 feet from wetlands or wetland transitional zones (LUP Policy III.C.3.e).

The IP does not contain any equivalent general application ESHA policies, though the IP does require consistency with the LUP Chapter II policies (IP Section 9-5.705(f)). For Area C, the IP contains similar implementing performance standards for ESHA protection and required setbacks.

The proposed amendment retains these ESHA policies. However, the proposed amendment also adds a policy (that would apply only to proposed Area F) to allow development within ESHA less than 0.1 acre in size provided any such ESHA fill is mitigated at a 2:1 ratio. The current LCP ESHA map does not show any such smaller ESHA areas. The amendment would also more significantly, however, redelineate ESHA for the proposed Area F portion of Area C. This redelineation would result in Hanson Slough no longer being protected by the LCP's ESHA policies, and would result in a reduction of approximately 7 acres of the area mapped as the West Branch of Struve Slough in LUP Figure 2. Two smaller areas of mapped ESHA newly identified by the City would be allowed to be filled under the new proposed ESHA fill policy.

The proposed amendment would also add another extremely person-intensive non-agricultural conditional use – the public school – and it would modify development standards to make non-agricultural development more easily accommodated (by allowing for more site coverage and development on steeper slopes). Inasmuch as the slope and impervious surface coverage limitations were put in place to protect ESHA, and the less intense uses were certified for the same purpose, these policy changes are ESHA-related as well.

Thus, although only one explicit ESHA policy is proposed (to allow ESHA fill), when read together, the proposed amendment represents a significant change to the LCP's ESHA policies. As discussed below, it would also result in a substantial negative impact to the wetland and ESHA resources of the Watsonville Slough system.

C. Background: Current Site and Vicinity Habitat Resources

Area C contains significant wetland resources and complementary upland habitat. It is part of a large, important wetland system: the Watsonville Slough wetland complex. As a result, the site supports habitat for a wide variety of animal and plant species that combine to make it an extremely fertile biological resource.

1. Wetland Resources

The subject site (Area C) encompasses large tracts of wetland resources, including portions of Hanson

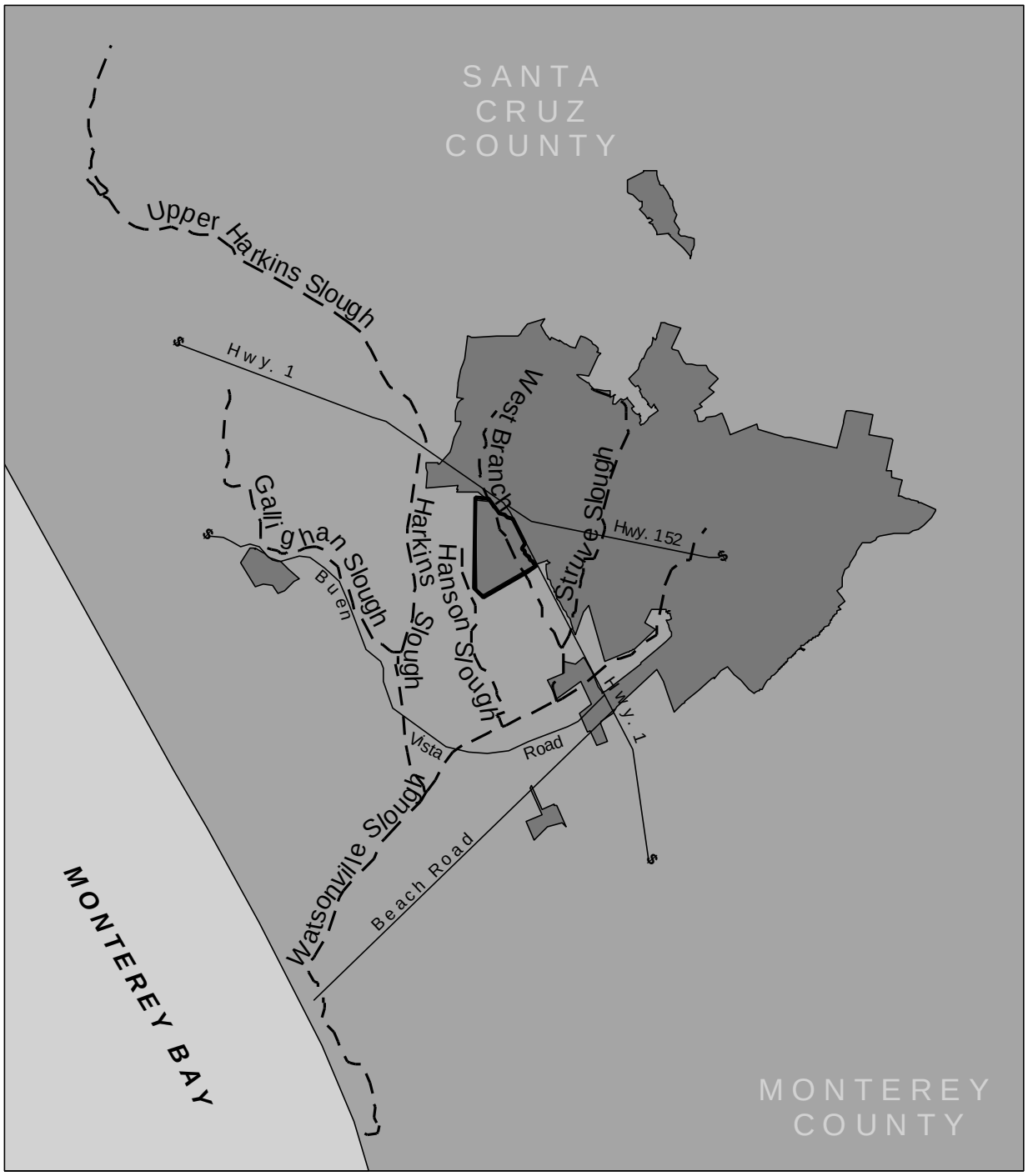
Slough and West Branch Struve Slough. Hanson and West Branch Struve Slough are two of the six major branches of the Watsonville Slough System (see Figure 12). The Watsonville Slough System drains an approximately 13,000 acre coastal watershed in south Santa Cruz County. This slough system, which winds in and out of the City of Watsonville and ultimately to the Pajaro River Lagoon/Estuary and on to the Monterey Bay, is probably the largest and most significant wetland habitat between Pescadero Marsh (in San Mateo County) to the north and Elkhorn Slough (in Monterey County) to the south. The entire Watsonville Slough System has been designated by the California Department of Fish and Game (CDFG) as an "Area of Special Biological Importance."

Watsonville Slough System

The Watsonville Slough System extends from areas well inland of Highway One all the way to the Monterey Bay. The Slough System includes approximately 800 acres of (flat) wetland area.[59] Although

[59] As estimated in *Water Resources Management Plan for Watsonville Slough System Santa Cruz County* (AMBAG, November 1995).

Figure 12: Main Branches of Watsonville Slough



- NOTE -
Locations approximate.
For illustrative purposes only.

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California Coastal Commission

Data Source: WATER Project.
California Coastal Commission. 12/97.

GMB, 2/00

difficult to estimate with any degree of accuracy, this Slough System has been reduced in scale over time. Farming in and around the sloughs has been ongoing since the 1850s, and much of the sloughs have been channelized, graded, and used for agricultural production or grazing at one time or another. Encroaching urbanization in and around the City of Watsonville has also led to direct encroachment into slough areas over time. Best estimates are that the Watsonville Slough System once included over 1,000 acres of wetland slough habitat.[60] It is likely that the Slough System was once even larger given that these estimates are based on sparse historical data going back approximately 120 years.

Despite its historical reduction, the Watsonville Slough System remains a very important ecological system. It contains significant areas of fresh and salt water wetland, marsh, and open water areas, riparian and oak woodlands, as well as dune and coastal scrub communities nearer the coast. The diversity of habitat and its coastal location along the Pacific Coast Flyway combine to make the Slough System an important resting, feeding and refuge area for migratory, seasonal and resident waterfowl. In addition, the Slough System is home to many other birds, amphibians, reptiles, and other animals – some of these species protected by the Federal and State Endangered Species Acts – which likewise use this diverse habitat. The rich prey base supports a high diversity of raptor and other predators. Various plant species of concern, some of these endangered as well, are also prevalent in the Slough System. United States Fish and Wildlife Service (USFWS) and CDFG have both submitted comments on the proposed LCP amendment that indicate that the Watsonville Slough system as a whole, as well as the portions of it that are found on Area C, is biologically sensitive habitat particularly worthy of vigilant protection (see Exhibits K and L).

The six major branches making up the Watsonville Slough System are Watsonville Slough, Harkins Slough, Hanson Slough, Struve Slough, West Branch of Struve Slough (also known as West Branch Slough), and Gallighan Slough. These generally shallow, broad wetland channels transport and drain irrigation and precipitation runoff from the greater Watsonville urban and agricultural area (including Freedom, Larkin Valley, and other portions of the Pajaro Valley in unincorporated southern Santa Cruz County). During winter storm events, these slough branches often flood into broader floodplain areas, thus providing important flood protection function for adjacent lands. Such flooding often closes stretches of roads for months at a time (including Harkins Slough Road west of Area C, and the Lee Road access from the site to the south; both of these roads were so flooded as of the date of this staff report).

While the biological productivity of the Watsonville Slough System has long been widely recognized, ongoing sedimentation, and the introduction of agricultural and urban polluted runoff constituents, have combined to degrade water quality in the system over time. Such water quality issues can be exacerbated by the generally low surface flow gradient (from inland portions of the system to the Monterey Bay) as well as the constricted outflow of the system to the Pajaro River Lagoon/Estuary (where a pump station at

[60] *Restoring Converted Wetlands: A Case Study In Watsonville, California A Thesis Presented to The Faculty of the Department of Environmental Studies San José State University in Partial Fulfillment of the Requirements for the Degree Master of Science* by Karl Schwing, 1999, examined land survey maps from 1881 and 1908 and calculated 1,026 and 1,187 wetland acres, respectively, in the Watsonville Slough system. It should be noted that these maps did not contain wetland delineations, rather they generally depicted sloughs and marshes. Examination of aerial photographs found 500 acres of wetland in 1985 and 652 acres in 1994.

Shell Road manages downstream flows into the tidal estuary). At least partially because of its significance, and because of the ongoing threats to its biological productivity, AMBAG completed a Water Resources Management Plan in 1995 funded by the Regional Water Quality Control Board.[61] One of the recommendations emanating from that study was the need for a comprehensive Watsonville Slough System Master Plan to identify appropriate resource protective management policies and buffer standards, as well as restoration and acquisition priorities, outside the scope of AMBAG's management plan. Subsequently, the Coastal Conservancy has recently funded development of such a plan for the Watsonville Slough System. Unfortunately the planning process has not begun.

Presence of Hanson Slough on Area C

Portions of the West Branch of Struve Slough and Hanson Slough are found on Area C (see Figure 13). Hanson Slough, including a portion of the headwaters of Hanson Slough, is located along the western boundary of Area C in two locations. It is important to understand this particular feature of the Area C landscape because the upper finger of Hanson Slough would be graded, filled, and covered with buildings and a parking lot if the LCP amendment is approved as submitted, and if the PVUSD's current high school site design is approved by the City.

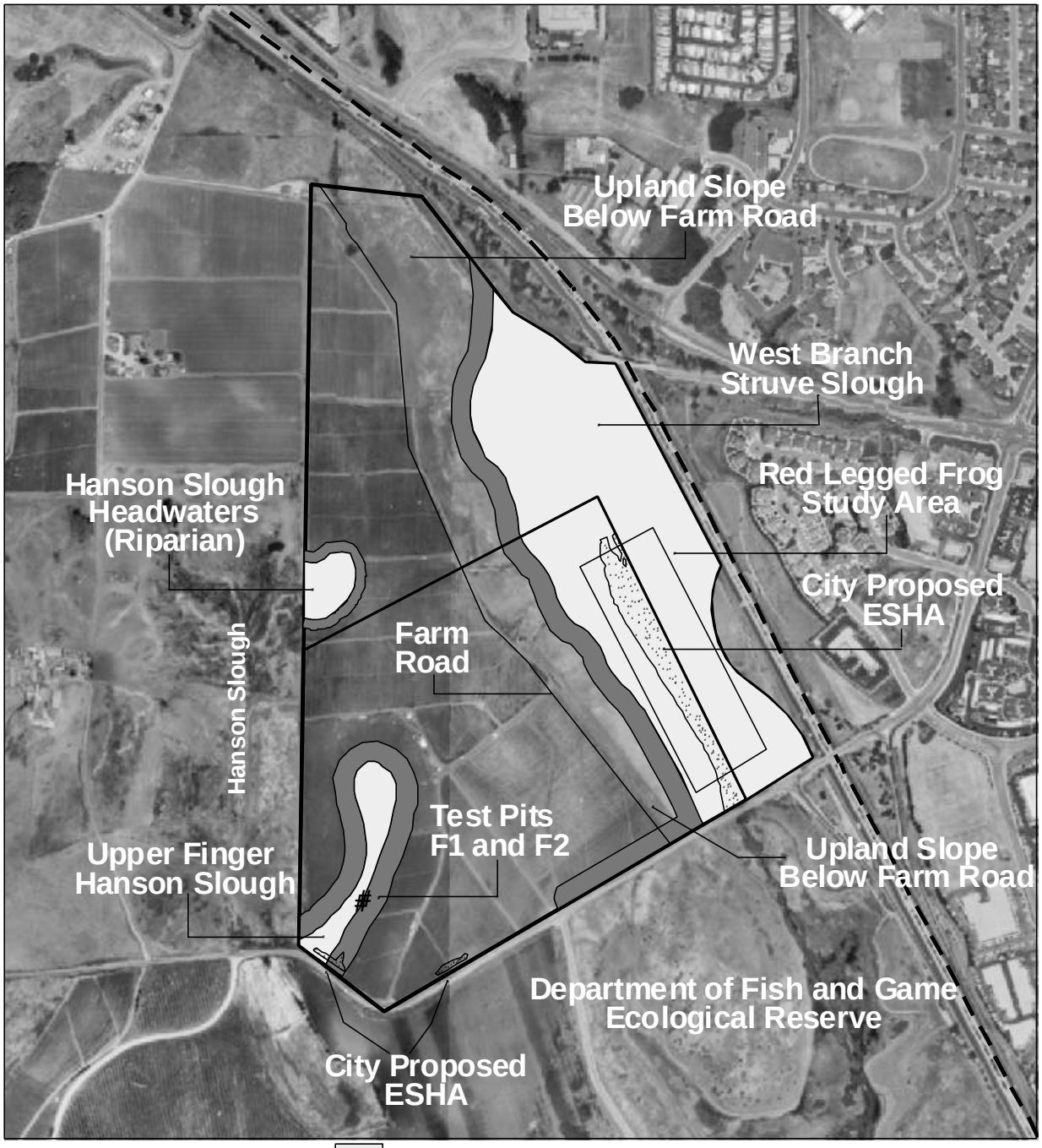
Hanson Slough extends from Area C through unincorporated Santa Cruz County agricultural lands where it feeds into Watsonville Slough proper to the south. The headwaters of Hanson Slough within Area C can be found in the riparian area to the north of proposed Area F. This area has been, and continues to be, partially farmed. Nonetheless, such farming has not interfered with the growth of willow and other riparian species at that locale. The continuation of this riparian habitat area (west of Area C) has been heavily grazed over time leading to localized erosion and gullying immediately adjacent to Area C. According to the LCP's ESHA map (LUP Figure 2), this riparian area comprises approximately 1½ acres on Area C. This riparian area is not proposed for redelineation by the City's amendment request.

There is also a separate upstream finger of Hanson Slough on Area C, extending northward from the bend in Harkins Slough Road at the southwestern corner of Area C, that has been graded and used for agriculture at various times. Large portions of this area are currently in agricultural production on the site. Portions of this area were also planted when sensitive habitats were first identified at the time of LUP certification. Notwithstanding this planting, though, the LUP describes this area as a seasonal wetland (wetland upland interface) based upon the presence of hydrophytic plants and at least seasonal inundation. It appears that a perched groundwater table, in tandem with the surrounding steep slopes, provide the water source that maintains the hydrology of this upper finger. Dr. Robert Curry, a respected University of California wetland biologist who works with the Regional Water Quality Control Boards in defining and protecting wetlands, has responded to Commission staff's request for his opinion on the resource value and habitat sensitivity of Area C slough resources as follows:

> *The finger of Hanson Slough in question on Area C has clearly been modified over time by agricultural operations. However, notwithstanding the presence of row-crop agriculture and its attendant irrigation, this area has the hydrologic characteristics of a seasonally saturated*

[61] *Water Resources Management Plan for Watsonville Slough System Santa Cruz County* (AMBAG, November 1995).

Figure 13: Current LCP Area C ESHA



Current LCP ESHA
Current LCP
ESHA Setback r
Area C
Proposed Area F
Coastal Zone Boundary
r Wetlands = 100'
Riparian = 50'

500 0 500
N Feet

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

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California Coastal Commission

GMB, JVC 2/00

wetland. Because of the perched groundwater table here induced by the high-clay content of the upper terrace surface soils, hydric soils have developed along the side slopes. Because of the surrounding sloping topography, I would expect this hydrologic regime to continue were agricultural operations to cease. The generalized NRCS/SCS soil maps do not accurately define these perched water table conditions.

LUP Figure 2 delineates this upper finger of Hanson Slough area as approximately 3 acres (see Exhibit C).

This upland Hanson Slough resource on Area C is characterized by a steeply sloping bowl extending from the upper plateau area of Area C. This 'bowl' topographic feature continues onto the property to the west. The steep slopes funnel runoff into the slough where it then flows down to Harkins Slough Road. From there it flows adjacent to the roadway and into a culvert slightly west of the Area C boundary where it meets the main branch of Hanson Slough. Although Area C has changed significantly from what

historically was probably a predominantly riparian landscape (marshy towards the West Branch of Struve

Slough), this Hanson Slough slope geomorphology remains essentially intact.[62] This sloped area thus has long been part of the hydrologic regime of Hanson Slough, and continues to feed this system.

The Watershed Institute at California State University Monterey Bay (CSUMB) also has begun restoration of the portion or Hanson Slough directly adjacent to Area C (downslope of the upland finger on Area C). Through limited hydromodification at the lower end of the culvert under Harkins Slough Road, approximately 2 miles of wetland habitat are in the process of being restored. This restored wetland is supporting numerous native wetland plants, is visited by wetland birds, and has been used as an outdoor laboratory for wetland and water quality scientists at CSUMB and the United States Soil Conservation Service. The drainage from the disturbed finger of Hanson Slough on Area C flows directly into this downstream restoration site.

All told, the upper finger of Hanson Slough and the headwaters found in the riparian area due north of this finger comprise a total of approximately 4 acres of the 139 acre Area C (see Figure 13).

Presence of West Branch Struve Slough on Area C

A major part of the West Branch of Struve Slough is located on the eastern portion of Area C nearest Highway One. LUP Figure 2 identifies approximately 37 acres of West Branch freshwater wetland and wetland upland habitat on Area C (approximately 27% of Area C). The West Branch of Struve Slough extends from its headwaters near the Watsonville Airport inland (east of Highway One), then under the Highway, through Area C and the adjacent freeway right-of-way, under Harkins Slough Road (by means of culverts), through the Watsonville Slough Ecological Reserve (a restoration area owned and managed by CDFG directly across Harkins Slough Road to the south of Area C), and then south to Watsonville Slough proper (see Figures 12 and 13).

The existing LCP distinguishes the West Branch of Struve Slough within Area C as "the city's most valuable coastal resource." Unlike Hanson Slough on Area C, the West Branch of Struve Slough has not been extensively graded nor generally used for agricultural purposes. Background reports for the LCP from the early 1980s indicate that this slough area was undisturbed at that time.[63] Air photos of this area from as early as 1928 confirm that the West Branch of Struve Slough was undisturbed at that time. The sloping channel of the slough itself has probably discouraged any active farming in this area.

This 37 acre portion of Area C can be found in a natural state at the base of the sloping valley between the more gently sloping plateau (along the center of Area C) and Highway One to the east. This large wetland area and associated sloping transitional upland habitat is easily the most sensitive resource found on Area C. Since at least 1928 (the earliest available air photos), this portion of Area C has been demarcated by a farm road of one type or another; the farm road location appears to have changed little (if any) since that time to present. This lush wetland system on Area C is complemented downstream (across Harkins Slough Road) by the roughly 122 acre CDFG Ecological Reserve located in the area bounded by Lee Road and

[62] LUP Appendix B, "Identification and Analysis of Environmentally Sensitive Habitats within the Coastal Zone Portions of the City of Watsonville."

[63] *Natural Systems Section for the Watsonville Local Coastal Program Report*, Philip Williams & Associates (March 1982).

Highway One directly south of Area C. Although some limited connectivity is provided by culverts under the road, the functional connection between West Branch habitat on Area C and West Branch habitat on the CDFG reserve is currently restricted by Harkins Slough Road itself.

The freshwater marsh area of the West Branch of Struve Slough is complemented by wetland upland transitional habitat. Although "upland transitional habitat" is not defined in the Coastal Act, the certified LCP defines this area as a "type of wetland…that shall be deemed a wetland and as such an environmentally sensitive area." LUP Figure 2 maps such transitional habitat at the site. In general, this mapped upland transitional habitat area represents a portion of the sloping sides of the valley between Highway One and the upper sloping plateau on the center of Area C.

The West Branch of Struve Slough, Hanson Slough, the wetland transitional habitat extending up the sloping channel sides of the slough arms, and the riparian habitat area on Area C are all environmentally sensitive habitats under the Coastal Act. According to the existing LCP ESHA map, approximately 41 acres (or nearly one-third) of Area C is ESHA.

2. Plant and Animal Habitat

Area C also provides habitat for any number of plant and animal species – some of these are quite rare.

Plant Species on Area C

Recent field observations done for the PVUSD's proposed High School Project identify several dozen plant species on the site.[64] Many of these species are hydrophytes typically found in and adjacent to freshwater marshes such as the West Branch of Struve Slough.[65] None of these plant species positively identified by the District on the site are state or federally listed as endangered or threatened.

The LCP indicates that Santa Cruz tarplant may exist on Area C. Santa Cruz tarplant (*Holocarptha macradenia*) is a State-listed endangered species and a California Native Plant Society (CNPS) List 1B species ("Rare, Threatened, or Endangered in California and Elsewhere"); the tarplant is also currently proposed for Federal threatened list status. This species has been previously documented across Harkins Slough Road from Area C to the south. However, according to studies done by PVUSD, conducted during the tarplant's blooming season, this species is not present on Area C.[66]

According to the AMBAG Watsonville Slough Management Plan, the West Branch of Struve Slough marsh plant community on Area C is the most diverse and complex within the Watsonville Slough system. Emergent marsh plants adapted to perennial or seasonal inundation and high soil saturation dominate the

[64] PVUSD Third High School FEIR (September 1998).

[65] For example, wetland obligate species (i.e., occur almost always in wetlands) such as bog rush (*Juncus effusus pacificus*); facultative wetland species (i.e. occur most of the time in wetlands) such as nutsedge (*Cyperus eragrostis*), barnyard grass (*Echinochloa crusgalli*), and curly dock (*Rumex crispus*); and other facultative species (i.e. occur generally equally in wetland and non-wetland areas) such as velvet grass (*Holcus lanatus*).

[66] In response to a comment letter from CDFG, the District indicates that additional botanical studies were conducted during the tarplant's blooming season (June to October) and no tarplant specimens were found on the site. PVUSD Third High School FEIR (September 1998).

community. The species composition is stratified by elevation into zones that correspond to depth, time and duration or inundation or saturation. As stated in the AMBAG study, typical plants species in this area of the slough include:

> *In areas with shallow, ponded water, the vegetation mosaic includes dense areas of tules (Scirpus spp) and cattails (Typha latifolia). These can form dense impenetrable clumps. Lower elevation areas, above areas that regularly pond water, are occupied by several smartweed (Polygonum) species, sedges (Carex spp.), rushes (Juncus spp.) and pacific silverweeed (Potentilla anserina).*

Animal Species on Area C

The subject site, primarily the West Branch of Struve Slough area between the farm road and Highway One, is home to abundant biological resources. As an illustrative example, bird counts for the Watsonville Slough System have been known to equal and even surpass those noted for the highly productive Elkhorn Slough system to the south according to the AMBAG study. The subject Area C site is particularly important for migratory and overwintering waterfowl. As described in the AMBAG study, and as condensed and restated as follows in the FEIR for the proposed PVUSD high school:

> *Species known to breed in the slough system include mallard, cinnamon teal, gadwall, ruddy duck, American coot, pie-billed grebe, green heron, great egret, snowy egret, black-crowned night heron, Virginia rail, sora, common gallinule, (long-billed) marsh wren, and perhaps also American bittern. Grasslands, and even agricultural lands provide habitat for a variety of songbirds such as sparrows, goldfinches, western bluebird, homed larks, western kingbird, and many others too numerous to mention. Hawks, harriers, owls, and falcons feed on rodents such as California ground squirrel, pocket gopher, voles and mice. Other mammals anticipated at the project site include coyote, fox, weasel, rabbit, skunk, opossum, raccoon, and deer.*

Upland slope habitat on Area C, such as that below the farm road and above the West Branch of Struve Slough proper, is a particularly vibrant biological community. As stated in the AMBAG Watsonville Slough report:

> *Grasslands represent a transitional or ecotone community between freshwater marsh and adjacent grasslands on the upland side slopes of the sloughs. Many areas have been grazed or historically farmed. These activities, in conjunction with the alteration of the slough hydrology by sediment deposition, drainage channels, and pumping, have significantly altered the historic species composition of the community.…Many animal species forage in the grasslands. Sparrows and goldfinches feed on the seed of grass and thistles, whereas horned larks, western kingbirds, and western bluebirds forage on the many insects that inhabit grasslands. Hawks are often seen soaring above the grassland in search of prey. Ground squirrels, pocket gophers, voles and several species of mice are common inhabitants of grasslands, and deer browse the grasses and forbs. Lizards and snakes are common reptiles, and although amphibians are rare in the dry grassland, tiger salamanders may use abandoned burrows as refuge.*

The upland slope above the West Branch of Struve Slough most certainly has been degraded over time, but

it still provides valuable habitat and serves as a feeding area for a variety of rodents as well as predators such as kestrels, kites, barn owls, and loggerhead shrikes; raptors that may be present include Peregrine falcon, a federal and state listed endangered species, and Cooper's and sharp shinned hawks, both state species of special concern.[67]

As part of the environmental review for the PVUSD's proposed High School Project, the CDFG Natural Diversity Database was queried for reported occurrences of sensitive animal species in the Area C vicinity. Several sensitive species are known to occur in the project vicinity and suitable habitat for these species has been identified on Area C. For the purposes of CEQA, PVUSD presumes the presence of these listed species for the proposed Area F site (see list below). Because the significant adverse environmental impacts of the project on these, and other, biological resources identified in the District's FEIR for the proposed high school cannot be mitigated or avoided if the project were to go forward at this site, the District adopted a finding of "statement of overriding consideration" dismissing these impacts (see Amendment Description and Background finding beginning on page 14 for more information).

Listed Species on Area C	Federal Status	State Status
Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*)[68]	Endangered Species	Endangered Species
California red-legged frog (*Rana aurora draytonii*)[69]	Threatened Species	Special Concern Species
California tiger salamander (*Ambystoma californiense*)[70]	Candidate Species	Special Concern Species
Western pond turtle (*Clemmys marmorata*)[71]	Species of Concern	Special Concern Species
Tricolored blackbird (*Agelaius tricolor*)[72]	Species of Concern	Special Concern Species
Bank swallow (*Riparia riparia*)	None	Threatened Species

For the purposes of this LCP amendment request, the City of Watsonville has indicated that the Coastal Commission should likewise assume the presence of these same sensitive species in that portion of Area C that includes the West Branch of Struve Slough as well as the upland transitional habitat extending

[67] AMBAG's Watsonville Slough Study (November 1995)

[68] Santa Cruz long-toed salamander is very rare, and is thought to be present in a handful of locations between Aptos in Santa Cruz County, and Castroville in Monterey County. This species spends much of the year underground in willow groves, coastal scrub or coast live oak woodland, or other riparian vegetation habitats. Adults migrate at night, following rains in early to late winter (November to February), to temporary or semi-permanent ponds to breed. Drainages with dense vegetation cover are preferred as a migration corridor, and vegetation is also required near or adjacent to breeding ponds as a refuge for the juvenile salamanders. The Santa Cruz Long-Toed Salamander is thought to occur in the Struve Slough area (according to AMBAG's Watsonville Slough Study) and potentially other small ponds and wetland areas within the slough system.

[69] Red-legged frogs are possible present in larger ponds in the slough system, though they tend to be absent in areas where bullfrogs or introduced predatory fish are present. Preferred sites include freshwater ponds, marshes or slow-moving streams with adequate emergent vegetation or dense cover along the edge of the water.

[70] California tiger salamander spend much of their lives underground in terrestrial uplands, and migrate to breeding ponds on wet nights between November and February, much like the Santa Cruz Long-toed Salamander. The salamanders are restricted to areas where breeding ponds are surrounded by suitable upland grasslands.

[71] Western Pond Turtle is known to occur in similar habitat in Elkhorn Slough in Monterey County.

[72] Tricolored blackbird is threatened by loss and alteration of breeding habitat, and is primarily restricted to scattered ponds, lakes or marshes in California. Two nesting colonies have been identified in the Watsonville slough system, one at Hanson Slough, and the other at Struve Slough.

westward up from the Slough proper to the break in slope to the west. This area defines that portion of the site from the existing farm road east to Highway One.[73] See Figure 14. Listed species presumed to be present in this area for the purposes of the LCP amendment are as follows:

In addition to presuming their presence, the City has indicated that California red-legged frog has been positively identified on Area C. According to the City's report, red-legged frogs, including tadpoles, juveniles, and adults, were found at several locations in the West Branch of Struve Slough during surveys in late 1998/early 1999 (see Figure 14 for the area studied where the species was confirmed).[74] This report also identified limited areas of suitable habitat for California tiger salamander along the slope between the farm road and the slough, and a limited area of Santa Cruz long-toed salamander habitat at the Hanson Slough riparian area on the western edge of Area C. In any case, neither of these sensitive species were positively identified during this survey. However, CDFG reviewed this survey and took issue with its relatively short duration and limited survey area, ultimately concluding that "the salamander species may occur in numbers too low for the surveys to detect given the survey design."[75] In fact, since the California Tiger Salamander spend much of their lives underground in terrestrial uplands, and the Santa Cruz long-toed salamander likewise spend much of the year underground in willow groves, coastal scrub, coast live oak woodland, or other riparian areas, the salamander species may occupy a different area than the limited transect (limited to the base of West Branch Slough) used in the study (see Figure 14 for the study area). USFWS has confirmed that potential habitat for these rare salamander species occurs on the site (see Exhibit L). A recent literature review of appropriate buffer zones for pond-breeding salamanders (such as are the Santa Cruz long-toed and California tiger salamanders) indicates that upland habitat buffers need to be over 500 feet to account for upland areas used by such species; the review concludes:

> *Large terrestrial area adjacent to wetlands are used by adult pond-breeding salamanders and newly metamorphosed juveniles throughout the majority of the year. The exclusion of these terrestrial areas from protection under wetland statutes would most likely reduce recruitment of juveniles into the breeding population, reduce adult survival, and therefore reduce the potential of the population to persist.*[76]

As previously noted, the AMBAG study also indicates that Peregrine falcon, a federal and state listed endangered species, and Cooper's and sharp shinned hawks, both state special concern species, may likewise be present at times.[77]

The above listed species are rare and threatened. As such, the habitat area for these listed species on Area C (i.e., at a minimum that area east and downslope of the existing farm road on Area C extending to the

[73] In response to Commission staff inquiries, the City confirmed that the presence of these same listed species should be presumed in a December 7, 1999 meeting at the Commission's Central Coast District Office.

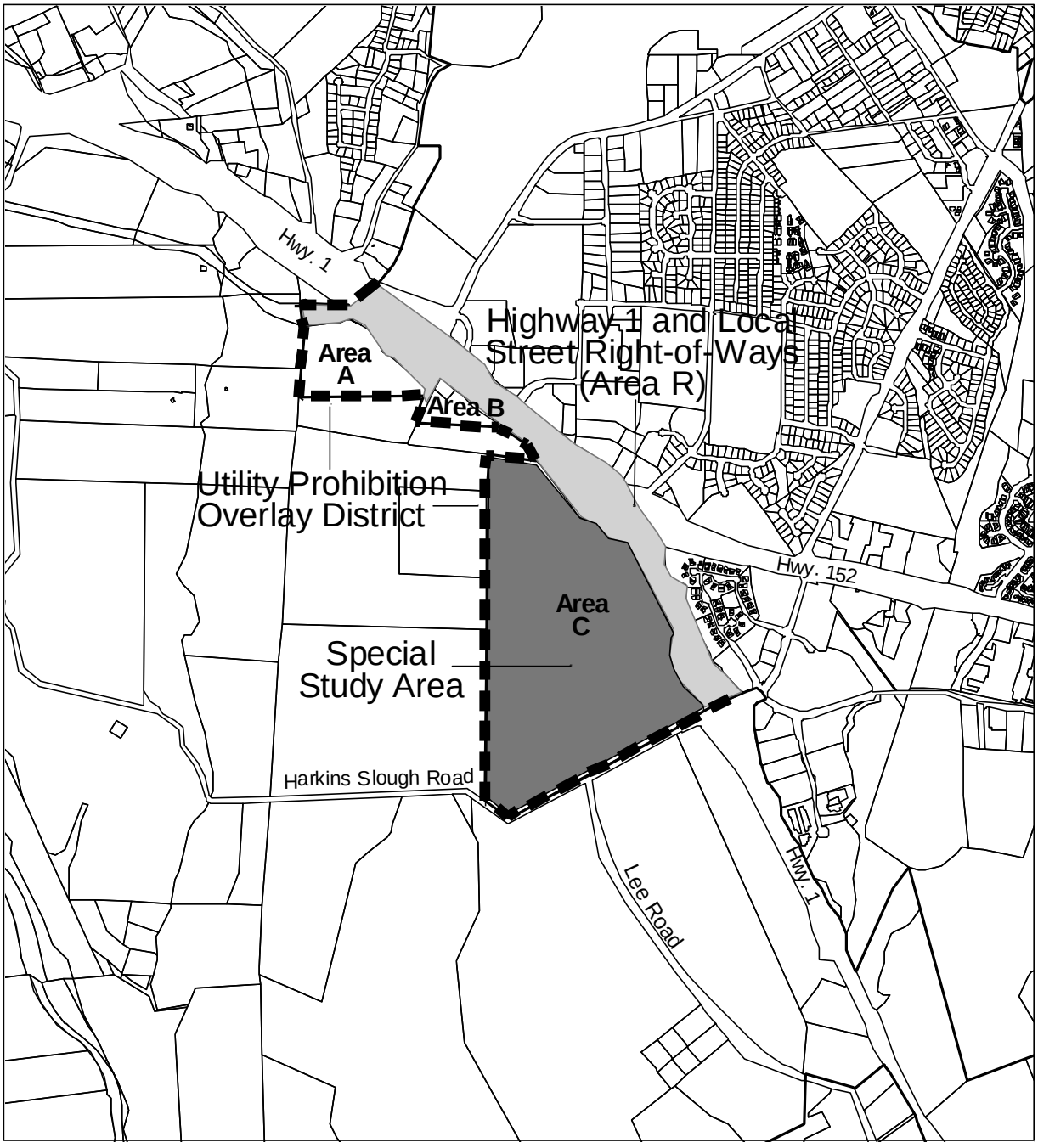
[74] *Harkins Slough Road/Highway 1 Ramp Project: Results of Amphibian Surveys Final Report*, Dana Bland & Associates (August 1999).

[75] As indicated in the February 15, 2000 letter from Brian Hunter (CDFG Central Coast Regional Manager) to Charles Lester (Coastal Commission Central Coast District Manager); see Exhibit K.

[76] "Biological Delineation of Terrestrial Buffer Zones for Pond-Breeding Salamanders," Raymond Semlitsch, *Conservation Biology* (October 1998)

[77] AMBAG's Watsonville Slough Study (November 1995)

Figure 14: Recommended Additional LUP and IP Designations



Special Study Area
Highway 1 and Local Street Right-of-Ways (Area R)
Utility Prohibition Overlay District
City of Watsonville
Parcels

N
1000 0 1000
Feet

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

Technical Services Division
California Coastal Commission

Data Source: Santa Cruz County Planning Department

GMB, 2/00

Highway) is an environmentally sensitive habitat area under the Coastal Act. Although much of this area is already mapped in the LCP as ESHA due to the presence of the West Branch of Struve Slough, approximately 25 acres of upland ESHA habitat not identified in LUP Figure 2 provides habitat for these listed species.

3. Conclusion

Although much of Area C is currently given over to agricultural production, the site is framed in by significant slough resources and associated upland habitat areas; approximately one-third of Area C is currently mapped as ESHA in the LCP. The site generally slopes north to south between these slough branches. Moreover, because of these slough resources, and despite ongoing agriculture, Area C provides habitat for several sensitive and endangered animal species. USFWS and CDFG have indicated that substantial habitat resources are present here. CDFG currently recommends that the entire site area be defined as ESHA under the Coastal Act. As stated most recently by CDFG in responding to Commission staff's request for CDFG's opinion on the resource value and habitat sensitivity of Area C (see Exhibit K):

> *We view the sloughs and adjacent upland areas as forming a single ecosystem. Many wetland species require upland areas for portions of their life cycle. For example, amphibian species may aestivate in or migrate through upland areas. Upland species (raptors, small carnivores, song birds, deer, etc.) benefit from the production of food (vegetation, insects, rodents, etc.) and cover associated with wetlands. In our judgement, the entire area in question is small enough that development anywhere on the site will, to some extent degrade the value of the site for wildlife. The Commission should consider whether the entire site meets its definition of ESHA (Coastal Act Section 30107.5) based on the rare slough/upland habitat combination existing there. It seems to us that it does.*

This assessment is corroborated by that of the United States Fish and Wildlife Service (USFWS), who state (see Exhibit L):

> *The Watsonville Slough system is especially important as a refuge, feeding and resting area for migratory, winter and resident waterfowl. In addition the slough system is reported to support the largest concentration of migrant and wintering raptors in Santa Cruz County. The sloughs adjacent to the subject project provide actual habitat for the federally threatened California red-legged frog (Rana aurora draytonii) and potential habitat for the federally endangered Santa Cruz long-toed salamander (Ambystoma macrodactylum croceum), the California tiger salamander (Ambystoma californiense), a federal candidate for listing, and the Santa Cruz tarplant (Holocarpha macradenia), a species proposed for listing as federally endangered.*

USFWS concludes:

> *We recommend taking the broadest view possible in interpreting the extent of ESHA resources on the site.*

Because of the resource value of the overall Watsonville Slough System (a CDFG "Area of Special Biological Importance"), the rare upland habitat/West Branch of Struve Slough habitat combination, the City survey documenting listed species, CDFG's review of the City's survey indicating that additional listed species may occur here, the AMBAG report documenting listed species, USFWS indicating the sensitive habitat provided here, CDFG's recommendation that the entire site should be defined as ESHA, and the overall undeveloped and relatively intact habitat of the West Branch of Struve Slough, it is reasonable to presume, as the City and District have done, and as the City has indicated the Commission should do as well, that the Area C site, and in particular the undeveloped upland area between the farm road and the slough, contains habitat for listed species. Where such threatened species are present, or even presumed to be present, extreme caution is warranted. Absent appropriate surveys showing that these species or their habitat are not present, such caution is required. As such, and moreover as recommended by CDFG to apply to the entire site, it is prudent to define at least the upland area between the farm road and the West Branch of Struve Slough as ESHA.

Such a distinction, if anything, represents a conservative estimate of the sensitive habitat present at Area C. In fact, the agricultural plateau also provides for some limited amount of habitat connectivity between the various slough fingers. It is likely that sensitive species travel across this plateau between the sloughs. For example, USFWS indicates that California red-legged frog "may migrate across upland habitat for distances up to one mile" (see Exhibit L). Lacking appropriate surveys, it is difficult to prove or disprove such wildlife corridors. Almost without question, this is what occurred before agricultural use of this area. As CDFG recommends, and as the School District presumed for the purposes of CEQA, the entire Area C site could be considered ESHA. Corroborating this is the fact that USFWS recommends "taking the broadest view possible in interpreting the extent of ESHA resources on the site." Given the significance of the overall Watsonville Slough System, it could be argued that the entire site should be considered ESHA.

Were the site to be acquired for resource protective purposes (such as was done by CDFG for the area directly south of the site that is part of the same subsystem), there is little question that such a distinction would be made. However, as a practical matter, the upper plateau of the site is currently farmed. A portion of the slopes below this farmed area have likewise been disced and planted at various times by agricultural operators on the site over the years. Because of this, and because the specific high school development proposed for the site is an important social priority, the Commission finds that the less inclusive course is the appropriate course to steer in this instance, and that in addition to the area so mapped in the LCP, the upland habitat area between the farm road and the West Branch of Struve Slough qualifies as ESHA under the Coastal Act. Therefore, the LCP's ESHA delineation for the site should be changed to account for this sensitive upland habitat area as well.

The effect is that the entire wetland and upland slope habitat of the West Branch of Struve Slough would be considered ESHA (while the previous Hanson Slough wetland designation would remain the same) for the purposes of site planning. When this upland slope habitat area is combined with the previously described approximately 41 acres of wetland and riparian habitat previously delineated on Area C, the total ESHA within Area C is approximately 67 acres (or roughly one-half of Area C) as shown on Figure 15.

Figure 15: Recommended LUP Figure 2 Area C Replacement

ESHA[r]
ESHA Buffer
Agricultural Setback
Recommended Development Envelope
Farm Road
Coastal Zone Boundary

N
500 0 500
Feet

- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

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California Coastal Commission

[r] ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

GMB, JVC 2/00

D. Analysis of Consistency with Coastal Act Sensitive Habitat Provisions

1. Introduction: Proposed Amendment's Effect on Habitat

The proposed amendment would redelineate previously delineated ESHA areas to no longer be ESHA. As a result, ESHA-related development restrictions would not apply to these areas and they could then be converted to developed uses. Allowing an increase in impervious surface (nearly a 500% increase on proposed Area F) and development on steeper slopes (roughly an additional 15 acres of steep slopes that would become developable) adjacent to the reduced ESHAs would act in tandem to overwhelm the LCP's buffering provisions for even the redelineated ESHAs. Development on steeper slopes implies that greater landform alteration on natural topographic features would be allowed. In addition, the more intensive development accommodated, including but not limited to a public school, would: threaten adverse impacts to slough system hydrology and water quality; threaten adverse impacts to adjacent habitats as it introduces an intensive use, along with attendant urban services next to them; and lead to adverse cumulative impacts on the larger slough system for the same reasons. As discussed below, these effects clash with Coastal Act habitat protection policies in the following ways.

2. Redelineation Reduces ESHA

The City has proposed to redelineate ESHA on proposed Area F. This proposed redelineation would remove 10 acres (or roughly one-fourth) of the area previously identified on Area C as ESHA from the LUP's ESHA map. In support of this portion of their application, the City has provided a report titled *Investigation of the Presence of Waters of the United States: New Millennium High School Site, Watsonville California* by Huffman & Associates, Inc. (dated June 1998). This report identifies the presence of 3.54 acres of wetlands on the proposed Area F site in three specific locations; this 3.54 acres of wetland represents the same area that the City proposes to designate as ESHA on proposed Area F.

Redelineation Focuses Only on One Category of ESHA: Wetlands

One issue with solely using the results of the Huffman report to redelineate ESHA is that wetlands are just one category of environmentally sensitive habitat to be found at Area C. As described above, there are also wetland upland transitional habitat areas (as currently mapped in the LCP) as well as habitat for listed animal species on the slopes of the West Branch of Struve Slough channel. As a result, the use of the *wetland* delineation report to designate *ESHA* underestimates the total amount of environmentally sensitive habitat area on the site. This is inconsistent with the protection offered these on-site ESHAs by both the Coastal Act and the LCP.

Wetland Delineation Criteria

Also problematic is the fact that the Huffman report uses the Federal wetland delineation standard and not the Coastal Act's more expansive wetland definition. The Federal methodology requires the presence of all three wetland indicators (i.e., periodic saturation, hydric soils, and hydrophytic vegetation) in order to classify an area as a wetland. However, based on the Coastal Act definition of wetland, and Section 13577(b) of the Commission's regulations, the Coastal Commission considers an area a wetland if any

one (or more) of the three indicators are present. The Coastal Act definition of wetland is expressly incorporated into the City's certified LCP. The Coastal Act and LCP definition of wetland is:

> *Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. (Coastal Act Section 30121; LCP Appendix C)*

Section 13577(b)(1) of the Commission's regulations states:

> *For purposes of Public Resources Code Sections 30519, 30600.5, 30601,30603, and all other applicable provisions of the Coastal Act of 1976, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:*
>
> *…Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:*
>
> *(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*
>
> *(B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*
>
> *(C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.*

Moreover, LUP Appendix C further clarifies the definition of wetlands:

> *Wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.*

Moreover, LUP Policy II.D.1 identifies "wetland upland transition" as wetland. LUP Policy II.D.1 states, in applicable part:

> *Wetland-upland transition is defined as a type of wetland occurring along the seasonally inundated margins of a slough. Wetland-upland transition may have been altered historically for the production of pasture or other crops. Nevertheless, if it displays evidence at anytime of year of periodic inundation by surface water, hydric soil conditions, the occurrence of wetland plants, or use by wetland dependent animals, it shall be deemed a wetland and as such an*

environmentally sensitive area.

If any environmentally sensitive areas are newly identified or suspected or if environmentally sensitive area boundaries are to be adjusted as a result of omission - see draft independent scientific research, the City shall conduct appropriate studies to verify and delineate the area. The City shall then make a determination as to the existence of an environmentally sensitive area with specific factual findings based on these studies. If this determination differs from the conclusions contained in the LUP maps and policies as to the location of environmentally sensitive areas, then the City shall seek an amendment to the LUP reflective of this determination. The verification and delineation steps shall include consultation with the State Department of Fish and Game and the consideration of additional information which may be provided by other experts.

The CDFG review of the subject site, as is required by LUP Policy II.D.1 when ESHA boundaries are proposed for adjustment, concluded that the entire site should be considered ESHA (see Exhibit K). In addition, the limited area defined as wetland by the Huffman report does not account for areas where one or two indicator(s) may be present. Likewise, it does not account for areas of "wetland upland transition" which are defined as wetlands by the LCP. The portions of Area C meeting these criteria should also be classified as "wetland." Because they are not, and because this deficiency means that they could be filled or otherwise developed with non-resource dependent development, this is inconsistent with the wetland protective policies of both the Coastal Act and the LCP.

West Branch of Struve Slough Redelineation

Commission staff field observation is that the Huffman report appears to generally only characterize the extent of freshwater marsh making up the West Branch of Struve Slough proper. The sloping channel and relatively flat, broad channel of the slough at this location makes it relatively obvious where the channel bottom begins and ends. Unfortunately, with respect to accurately identifying all slough wetland habitats, the test sample locations for the Huffman and Associates delineation report did not encompass the upland slope between the farm road and the West Branch of Struve Slough. It is difficult to explain this deficiency when the existing LUP wetland delineation – the delineation being challenged – shows this area as wetland. Insufficient evidence has been submitted by the City that would contradict this original wetland hypothesis.

Some of this sloped area above the West Branch of Struve Slough is likewise subject to seasonal inundation, and higher up the slope, any number of small seeps are present. In fact, according to the geotechnical evaluation of the site used by the school district for the proposed high school, borings done at the top of this slope (approximately 50 feet east of the farm road) identified groundwater approximately 43 feet below the surface; this corresponds to a daylight elevation approximately half-way down the slope representing the edge of the current LUP wetland delineation.[78] The District's FEIR identified much of this upper slope area as an area of elevated groundwater levels corroborating the geotechnical evaluation's

[78] Bore site B-3 described in *Preliminary Geotechnical Evaluation for Edwards Property, Watsonville California*, Steven Raas and Associates (June 1992).

bore log conclusions.[79] This is consistent with Commission staff observation of seasonally persistent vegetation at and below this same elevation. If a portion of this sloped area were field tested, based upon the Commission's Coastal Act criteria, such testing would likely have resulted in an enlarged wetland delineation. This is particularly true given the LCP's wetland upland transition definition cited above.

The West Branch of Struve Slough is a very important part of the overall Watsonville Slough System. It is incumbent upon development and plan change proposals to adequately characterize this resource. CDFG recommends that the entire Area C site be considered ESHA, and USFWS recommends the broadest possible interpretation of where ESHA is present there. Redelineating roughly 7 acres of this resource from ESHA to non-ESHA status to allow this area to be filled or otherwise developed with non-resource dependent development, particularly when there is evidence that this redelineation is not supported by Coastal Act and LUP wetland delineation standards, is inconsistent with the wetland protective policies of both the Coastal Act and the LCP.

Hanson Slough Redelineation

With respect to the finger of Hanson Slough that the Huffman report un-delineates, this area *was* tested by Huffman Associates. In fact, both of the test sample locations (F1 and F2) were shown to be "within a wetland" based upon the Army Corps methodology (i.e., all three wetland criteria were satisfied). (See Figure 13 for the test sample points.) However, the Huffman report then dismisses these results because it asserts that the two test areas met the following two criteria (for which the Corps may exempt otherwise qualifying areas from wetland classification):

(a) Non-tidal drainage and irrigation ditches excavated on dry land

(b) Artificially irrigated areas which would revert to upland if the irrigation ceased.

There are several problems with this line of reasoning. First, since the area shows evidence of all three wetland criteria, it qualifies as a wetland under the Coastal Act. The Coastal Act does not list exemptions such as those asserted by the Huffman report above. As such, the area in question is wetland to which Coastal Act and LCP wetland policies apply. In fact, the test sample results only help to bolster the validity of the existing LUP delineation for this area.

Second, the two criteria cited by the Huffman report do not apply to the area in question. In terms of criteria (a) above, this finger of Hanson Slough is not a "drainage or irrigation ditch." In fact, this area is a naturally formed, steeply sloping bowl that extends onto the adjacent property to the west. This slope geomorphology is a natural topographic feature that has been documented since the first air photographs taken in 1931, and it has long been part of the hydrologic regime of Hanson Slough. This sloping area occupies approximately 15 acres; although temporary agricultural ditches may have been constructed from time to time in this area, it most certainly is not a drainage or irrigation ditch.

In terms of criteria (b) above, the area is currently irrigated since it is currently being farmed. This does represent "artificial irrigation." Portions of this area were also so irrigated and planted when it was first

[79] FEIR Section 5.5 Geology (September 1998).

delineated as a wetland when the LUP was certified. However, were this farm irrigation to cease, it would be expected that the hydrology of the system would remain based upon the fact that the topography of the site directs runoff into this 15 acre swale and the fact that this area is underlain by a perched groundwater table.[80] In fact, the aforementioned geotechnical evaluation bore log shows that a boring approximately at the center of proposed Area F encountered free groundwater "perched in the sand layer above the clays at 39 feet."[81] Since this boring point was located at the approximately 92 foot contour, the perched ground water table corresponds approximately to the 50 foot contour. Most all of the area delineated as Hanson Slough wetland in the existing LCP is below this 50 foot contour. Unfortunately, no borings or other tests (other than the wetland test sample points) were done in the Hanson Slough area.

This upper finger of Hanson Slough has clearly been degraded over time by farming operations. However, even with row crop agriculture, this area continues to show evidence of wetland characteristics. Commission staff has observed these wetland characteristics at this location for a number of years, including, but not limited to observances during the course of past surveys related to the downstream habitat restoration project immediately adjacent. Before restoration was begun in 1996, the adjacent lower section of Hanson Slough was grazed and seasonally disked. The response to restoration, including restoring natural flow (decommissioning of the drainage channel) and stabilizing slopes with native grasses and trees, was rapid and substantial. The area now supports numerous native plants, remains wet for much of the year, and is frequented by wetland and upland bird species. More than anything, the Huffman report only reinforces the wetland delineation and restoration potential for the adjacent upland finger of Hanson Slough on Area C.

As succinctly stated by Dr. Robert Curry, a respected University of California wetland biologist who works with the Regional Water Quality Control Boards in defining and protecting wetlands, in responding to Commission staff's request for his opinion on the resource value and habitat sensitivity of Area C slough resources (see Exhibit M):

> *The purpose of this letter is to briefly comment on the resource values associated with the upper finger of Hanson Slough north of Harkins Slough Road on Area C within the City of Watsonville. It is my understanding that the City of Watsonville has submitted a plan amendment request to define this portion of Hanson Slough as other than statutory wetland. It is my further understanding that the Pajaro Valley Unified School District intends to fill this area to allow school buildings and a parking lot to be developed there. I urge the Commission to reject any request to lessen protection for this portion of Hanson Slough.*
>
> *I am a wetland scientist, employed through my University of California faculty position, to aid the Regional Water Quality Control Boards in defining and protecting wetlands. I am very familiar with this section of the Watsonville Slough System, having been involved at different times in a monitoring the restoration project for the State directly downstream. The finger of Hanson Slough in question on Area C has clearly been modified over time by agricultural*

[80] PVUSD Third High School FEIR (September 1998); Section 5.5 Geology.
[81] Bore site B-2 described in *Preliminary Geotechnical Evaluation for Edwards Property, Watsonville California*, Steven Raas and Associates (June 1992).

operations. However, notwithstanding the presence of row-crop agriculture and its attendant irrigation, this area has the hydrologic characteristics of a seasonally saturated wetland. Because of the perched groundwater table here induced by the high-clay content of the upper terrace surface soils, hydric soils have developed along the side slopes. Because of the surrounding sloping topography, I would expect this hydrologic regime to continue were agricultural operations to cease. The generalized NRCS/SCS soil maps do not accurately define these perched water table conditions.

In fact, if agriculture were to cease in this area of Hanson Slough, and it were to be left alone, it would be expected that hydrophytic plants would reestablish in the base of the slough with moisture-tolerant grassland species extending up the slopes. In fact, even with the current unnatural cultivation of strawberries, hydrophytic weedy vegetation is already common in this area. If left alone, I would expect other wetland species to reestablish themselves. Of course, this process could be accelerated if limited wetland restoration of this area were to occur.

The area of Hanson Slough proposed for redelineation, even in its current degraded state, is an important piece of Hanson Slough and the overall slough resources west of the Highway at this location. In fact, while row crop agriculture continues to degrade this Hanson Slough resource, this degradation is temporary and can be undone. The same cannot be said for other non-agricultural uses. Were the area to be un-delineated, and grading, filling, and some form of structural development were to occur in this area, it would be much more difficult, if not impossible, to ever restore the wetland. Restoration potential exists now, however, simply through a process of fallowing the agricultural operations, removing any invasives, and allowing the natural hydrophytic plant regime to reestablish itself. It is clear that this area is a wetland worthy of Coastal Act and LCP protection. Lacking a preponderance of evidence to the contrary, there is no resource reason to undelineate (particularly to allow complete wetland fill) this finger of Hanson Slough. In fact, to do so runs contrary to the Coastal Act and the LCP.

Accordingly, the City's proposed redelineation underestimates the total amount of environmentally sensitive habitat area on the site. This is inconsistent with the protection offered on-site ESHAs by both the Coastal Act and the LCP.

Redelineation Conclusion

The proposed ESHA redelineation does not adequately characterize the full range of actual ESHA on Area C. The City's previous consultants identified ESHA as mapped on LUP Figure 2 and adopted by the Commission in 1982. Since that time, we have a far better understanding of the extent and sensitivity of the species and their habitats in and around Area C. The evidence provided by the City in support of their proposal does not present a reasonable case for redelineation of all ESHA on site. In fact, the City's information, in combination with assessments of State and Federal resource agencies and other experts (including the Commission's own biologist), reaffirms the previous delineation at Hanson Slough and supports the need to delineate *additional* areas of upland habitat next to the West Branch of Struve Slough as ESHA.

Approximately 20 acres of the site which are environmentally sensitive habitat areas would not be

delineated as such were the proposed amendment to be adopted as submitted.[82] As such, under the proposed amendment, development could be allowed in these sensitive areas to the detriment of habitat. Within environmentally sensitive habitat areas, the Coastal Act only allows for uses that are dependent on the ESHA resources and only if those allowed uses do not significantly disrupt habitat values. Adequate ESHA buffers from adjacent uses are also required by the Coastal Act. Given the extent of actual ESHA on site, the City's proposed redelineation of wetlands—and its reduction of identified ESHA based solely on that redelineation--is not consistent with these Coastal Act ESHA directives.

PVUSD's proposed high school is a specific example of a development that would directly remove ESHA on the site if the redelineation is approved. As detailed in the FEIR for the proposed high school at this site, "approximately two-thirds of the grassland habitat adjacent to the West Branch Slough would be removed for project development."[83] As described earlier, this upland habitat area is a vibrant biological community that plays an important, integral role in the slough ecological complex. Furthermore, the area is presumed to provide habitat for listed endangered species. All of these factors qualify the upland slope, at a minimum, as ESHA. School development in this area would be inconsistent with the Coastal Act's ESHA requirements.

Moreover, were PVUSD's high school to be built exactly as proposed at this location, the entire upper finger of Hanson Slough would be filled, graded level, and covered with school buildings and a parking lot. Such a use is clearly not dependent on the Hanson Slough resource therein and in fact, would lead to its total destruction. Such activities cannot be found consistent with the Coastal Act. In addition, unlike agricultural operations, such substantial alteration of the natural topography, and such massive physical development would totally block expansion of the restoration of Hanson Slough upstream. In fact, acquisition and restoration of this portion of Hanson Slough is a valid alternative, one that has been discussed by local land trusts and environmental organizations for years, and one that may eventually come to pass for this system if the ESHA is appropriately protected.

Furthermore, as detailed in the FEIR, PVUSD's proposed high school would have additional indirect effects on the habitat areas not physically displaced by development. The FEIR states:

> *The loss of grassland habitat caused by the project would narrow this existing grassland habitat connection; thereby diminishing the habitat of the remaining habitat. It would also interfere with the movement of wildlife across the low, intervening area between the upper ends of these sloughs and the Watsonville Slough Ecological Reserve…. Amphibians and reptiles could be affected, as well as mammals, songbirds, and raptors. The impacts associated with habitat fragmentation and interference with migratory corridors would be significant.*[84]

While a specific project is not before the Commission at this time, such impacts associated with potential development facilitated by the City's proposed ESHA redelineation, are illustrative of the Coastal Act inconsistencies raised by this amendment package.

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[82] Approximately 7 acres of West Branch Struve Slough, approximately 3 acres of Hanson Slough, and approximately 10 acres of upland West Branch habitat east of the farm road on proposed Area F.

[83] Page 5.7-11 of the PVUSD Third High School FEIR (9/98).

[84] Page 5.7-11 of the PVUSD Third High School FEIR (9/98).

3. Allowing Non-Resource Dependent Development in ESHA

The proposed amendment would allow "that environmentally sensitive habitat areas less than 0.1 acre in size be developed, provided such areas are replaced at a minimum 2:1 ratio" within proposed Area F. The reason for this proposed policy is that the PVUSD's proposed site plan for their proposed high school would require fill of small wetland areas identified in the Huffman report. There are at least three problems with this proposed policy.

First, as described above, the Huffman report is based upon the Federal delineation methodology, not the Coastal Commission's delineation methodology, and underestimates the area that qualifies as "wetland" under the Coastal Act on Area C (see above). As a result, the proposed high school site plan would result in fill of wetland areas greater than 0.1 acre in size. For example, the upland finger of Hanson Slough (described above, approximately 3 acres) was not delineated by the Huffman report as wetland, and is proposed for parking lots and building development by the District. Accordingly, such a policy, even if approvable under the Coastal Act, would not require mitigation for the actual amount of wetland fill necessary to accommodate the proposed high school.

Second, the proposed 'development in ESHA' policy is an Implementation Plan policy – the City did not propose a corresponding Land Use Plan policy for proposed Area F. In fact, the LUP's existing ESHA policies (except for the proposed revised ESHA map) would not change were the LCP amendment approved. The standard of review for Implementation Plan policies is whether or not they are consistent with and adequate to carry out the LUP. In this case, the LUP remains protective of ESHA. In fact, the LUP's ESHA policies mirror those of the Coastal Act and only allow for development within ESHAs that is dependent upon the resources therein, and which does not significantly disrupt habitat values.[85] An Implementation Plan policy which allowed development in ESHA would not be consistent with, nor adequate to carry out, the Land Use Plan's ESHA policies applicable to Area C and/or proposed Area F.

Finally, and perhaps most importantly, any proposed policy which allows for non- resource dependent development in environmentally sensitive habitat areas, including but not limited to wetland areas, is contrary to Coastal Act ESHA requirements. The Coastal Act limits development in ESHAs to uses dependent on the resources therein, and requires development in adjacent areas to carefully safeguard their preservation. As such, the proposed 'development in ESHA' policy also is inconsistent with the Coastal Act.

While not before the Commission at this time, a specific example of a development that would directly remove such ESHA on the Area C site were the 'development in ESHA' policy to be approved is the PVUSD's proposed high school. As illustrated by the proposed site plan for the proposed high school in the project FEIR, wetland/ESHA areas along Harkins Slough Road would be covered by development under both the existing LUP ESHA delineation and the City's proposed ESHA delineation. All of the 3 acre finger of Hanson Slough on Area C would be destroyed. This would directly negatively affect the downstream Hanson Slough resources. It is conceivable that other fragmented habitats on the site could likewise come under this policy resulting in additional areas of fill.

[85] Land Use Plan Policy II.D.2; also relevant are LUP Policies II.D.3 (mirroring Coastal Act Section 30240(b)) and II.D.4 protecting biological productivity of wetlands (among other resources).

Although the Coastal Act (Section 30233) allows for 8 specific development uses within wetland areas (if there are no feasible less environmentally damaging alternatives and impacts have been mitigated), such development is extremely limited. The City is not proposing a similar policy. Even if they were, a public school is not a Section 30233 allowable use.

In sum, Coastal Act and LUP policies focus on avoidance of impacts to environmentally sensitive habitat areas, rather than mitigation as proposed by the City, and the proposed Implementation Plan modification to allow development in ESHA cannot be found consistent with either the Coastal Act or LUP.

4. Public Service Improvement Impacts on ESHA

The City anticipates that the increased intensity of use at the site will likely require public service improvements. For example, specifically planned as part of the high school proposal are the extension of utilities along and improvements to Harkins Slough Road. However, as noted previously, Harkins Slough Road crosses both West Branch Struve Slough and Hanson Slough. Certain designs of road widening or sidewalk addition could result in more fill of these wetlands, which is inconsistent with LCP policies as well as those of the Coastal Act. Harkins Slough Road crossing West Branch Struve Slough is currently about 26 feet wide, with the Slough immediately adjacent to the roadway edge.

Improving the road and adding a sidewalk, as is being proposed by the School District, would require about 30 more feet of roadway width. Although such a road widening could be accompanied by a bridge spanning the West Branch resource as recommended by CDFG and USFWS (see Exhibits K and L), the District plans to accomplish this width by fill. At about 100 linear feet of wetland, the result would be 30,000 square feet of wetland fill (about 2/3 of an acre); a similar area of fill would be necessary to widen Harkins Slough Road for the Hanson Slough crossing at the southwest corner of Area C. Likewise, extension of various utilities (such as water and sewer) would likely have a long-term impact on these wetlands through fill, or short-term if they were buried under the current Harkins Slough Road by virtue of the construction work required. Such wetland fill is inconsistent with the Coastal Act and Land Use Plan policies.

In addition to the District's planned improvements to Harkins Slough Road, Caltrans is currently considering offramp and overpass interchange improvements at Harkins Slough Road.[86] Although limited details are available as of the date of this staff report, these improvements at least conceptually include raising the overpass, widening it to 3 lanes, installing an on-ramp on the inland side of the Highway, and installing an off-ramp adjacent to Area C.[87] Based upon the extent of the West Branch of Struve Slough on Area C adjacent to the Highway, it appears that a portion of the west side off-ramp being contemplated would be placed within the slough, other ESHA, and/or within the LCP-required 100-foot slough buffer. Commission staff has commented that this interchange project has not yet been shown to be necessary, may not be the most appropriate solution, and raises serious concerns regarding (1) development in and adjacent to the West Branch of Struve Slough, and (2) the potential for growth inducement and corresponding agricultural conversion west of the Highway at this location. (It should be noted that the

[86] See Development and Public Services Section of Findings.
[87] The overpass is currently two lanes with on and off ramps only on the southern side of Harkins Slough Road.

District has indicated that the proposed high school does not require the interchange project.) Policies need to be put in place to protect the West Branch Struve Slough ESHA from potential adverse impacts of all development, including any that might occur on the east side of the slough, such as the interchange project.

5. Changes in Hydrology

The Area C site is located on the edge of a fluvial terrace in the Pajaro Valley, and the sediments below form several aquifers. The site's surface soils are categorized as hydrolytic soil Group D by the Santa Cruz County Soil Survey, which have high runoff potential and low infiltration rates when wet. The West Branch of Struve Slough is identified as being flood-prone, and both Hanson and West Branch Sloughs are within the 100-year floodplain.

With the proposed increased surface and development coverage, the flow of water into the Watsonville Slough System would be greatly altered. Increasing the allowable impervious surface coverage by 5 times (10% coverage to 50% coverage) would impact flow characteristics including changes to input location, volume, flow energy, and flow period. Unless they can be appropriately managed, such hydrologic changes will alter the circulation and flushing characteristics of the sloughs, and could lead to an altered hydrologic period. All these alterations could increase erosion and sedimentation, and ultimately adversely affect wetland plant and animal communities, and overall habitat quality within slough system resources on Area C (i.e., West Branch of Struve Slough and Hanson Slough) and the downstream reaches of these slough systems.

The slough resources on Area C receive water from various sources. These include ground water percolation, sheet flow from adjacent slopes and drainage from the upper watershed (partially altered by other development). Sheet flow and ground water inputs have been documented to play important roles in wetland plant and animal community structure. Most of the water in this portion of the slough receives considerable filtering prior to entering the main water body. Increasing the allowed site coverage as proposed could greatly alter the quantity and quality of groundwater and surface sheet flow and possibly replace these water sources with point source drainage inputs containing additional contaminants and altered hydrology. Moreover, encroachment of development onto the slopes adjacent to the slough (as would be provided by the proposed ESHA redelineation and increased allowed slope coverage) could alter the flow characteristics from the upland area, therefore altering the filtering capabilities and increasing the erosion potential therein.

In addition, the Pajaro Valley groundwater basin has been in overdraft for at least 50 years; recent estimates are that the overdraft is about 18,000 acre-feet per year.[88] Inasmuch as the proposed amendment would allow for a huge increase in the allowable impervious surface coverage within a region experiencing severe overdraft and saltwater intrusion, this too raises a potential issue.

The increased surface coverage allowed by the proposed amendment would allow for the alteration of the existing hydrology of highly valuable and important coastal slough system. This system is protected by the

[88] Page 5.11-1 of the PVUSD Third High School FEIR (9/98).

Coastal Act, particularly under ESHA and water quality. The proposal would not result in "maintaining biological productivity," would not "prevent depletion of groundwater supplies," and would not "prevent substantial interference with surface water flow" as required by Coastal Act Section 30231. This is particularly the case since Coastal Act Section 30230 dictates that "special protection shall be given to areas and species of special biological or economic significance." As described above, CDFG has designated the Watsonville Slough System as an "Area of Special Biological Importance" and habitat for special status species is found on Area C. Increasing allowable impervious surface coverage standards by 400% in this rural area of agricultural use and sensitive habitats runs counter to the Coastal Act's ESHA wetland and ESHA policies.

6. Adverse Water Quality Effects

Runoff from storm events is part of the natural hydrologic process: rain water that does not infiltrate into the ground will flow by the force of gravity into water bodies such as lakes, streams, rivers, and oceans. In an urban setting, natural drainage patterns have been altered and this storm water runoff, as well as non-storm discharge (e.g., irrigation water, accidental spills, washdown water, etc.), picks up sediments and contaminants from land surfaces, and transports these pollutants into surface and groundwater. This type of runoff is known as polluted runoff which, because it does not originate from a distinct "point" source (e.g., an industrial discharge pipe), is also described as nonpoint source pollution.

Increased development, as would be allowed by the proposed amendment, could negatively impact water quality by contributing additional urban contaminants to the Watsonville Slough in an area that presently does not receive large inputs of urban runoff pollution. Such increased polluted runoff can result in significant adverse impacts to aquatic ecosystems, public use, and human health including ground and surface water contamination, damage to and destruction of wildlife habitat, decline in fisheries, and loss of recreational opportunities. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics such as pesticides. Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms.[89]

Although agricultural runoff exists at Area C, it is not clear that swapping the negative impacts of this agricultural runoff for urban runoff constituents would be more protective of site resources. In fact, common pesticides used in urban settings are likewise attributed to water quality degradation of the Pajaro and Salinas watersheds. A change from agriculture to urban development could continue (or even increase) the input of pesticides and herbicides draining into the slough system (e.g., fertilizers, pesticides, and herbicides applied to lawns, ballfields, ornamental landscaping etc.). Moreover, urban contaminants, such as heavy metals and hydrocarbons, can cause toxicity in invertebrates or be accumulated by these species which are fed on by other fish and birds.

[89] Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changed parameters (freshwater, salinity, temperature, dissolved oxygen).

The Watsonville Slough System has been identified by the SWRCB and the Federal EPA as a water body where beneficial uses have been impaired.[90] Identified problems include: pesticide and PCB accumulation in sediments and aquatic organisms, high nutrient levels, grease and oil contamination, toxic organic substances (i.e., dacthal, DDT, dildrin, endrine, and toxaphene), localized algae blooms, periodic low levels of dissolved oxygen and toxic levels of ammonia.[91] The Coastal Act requires that resources such as the Watsonville Slough System, including West Branch of Struve Slough and Hanson Slough resources on Area C, "be maintained, enhanced, and where feasible, restored." The existing LCP impervious surface limitations were expressly put in place to minimize such water quality impacts to Area C slough resources. The proposed changes would allow quite the opposite, increasing the amount of nonpoint source polluted runoff that may enter into the sloughs, inconsistent with Coastal Act water resource protection policies.

7. Increased Development Intensity

The existing LCP limits development and impervious surface coverage expressly to curtail development of Area C and thereby protect the sensitive slough resources. As the LUP states:

> *The foregoing requirements will cluster development within the high, gently sloping terrace which runs along the middle of Area C where it can do the least damage to the low-lying environmentally sensitive areas, and protect the sensitive areas with buffer areas and dense planting. The large lot sizes are intended to limit the populations of people and domestic animals in close proximity with the sensitive habitats…The small maximum percentage of impervious ground water cover is intended to minimize the disruption of groundwater recharge and to avoid erosion problems….*

The proposed amendment would allow for a much greater intensity of development which, if it were to take place as currently envisioned on the site and off (as a result of public service improvements), would have a negative impact on sensitive bird and animal species and their habitat, wetlands, and overall water quality inconsistent with Coastal Act policies protecting these resources. Assuming the City made findings to allow a conversion of agricultural land, the amendment components to allow wetland fill, to redelineate sensitive habitat, to allow development on 66% steeper slopes, and to allow 5 times the amount of impervious surface coverage would combine to result in far more potential development of the site because much of the site now cannot be developed due to presence of wetlands, ESHA, steep slopes, and impervious surface limitations. Any of the previously described allowable LCP uses for the site could develop within new proposed Area F at this higher level of intensity. More intensive development means more noise, activity, and runoff which each have adverse consequences for the wetlands and other

[90] Beneficial uses and activities that are negatively impacted by polluted runoff include, but are not limited to: aesthetic enjoyment; agricultural supply; aquaculture/mariculture; cold freshwater habitat; commercial and sport fishing; estuarine habitat; freshwater replenishment; groundwater recharge; hydropower generation; industrial service and process supply; inland saline water habitat; marine habitat; migration of aquatic organisms; municipal and domestic water supply; navigation; preservation of biological habitats of special significance; rare, threatened, or endangered species; shellfish harvesting; spawning, reproduction, and early development of aquatic organisms; warm freshwater habitat; water contact/non-contact recreation; and wildlife habitat.

[91] Questa Engineering Corporation (1995).

sensitive habitats.

While not before the Commission at this time, the proposed PVUSD high school project is illustrative of this point. The proposed high school would include facilities for some 2,200 students and 120 employees. There would be an 800 space parking area, sports fields, buildings, walkways et cetera. Approximately 4 acres of buildings, 14 acres of paved area, and 37 acres of pervious area (in landscaping and ballfields) would occupy the area extending above and into the upland habitat of the West Branch of Struve Slough on proposed Area F nearest Harkins Slough Road. All of the upper finger of Hanson Slough would be filled to make way for the school development.

This would result in a major increase in activity on the site, increased urban runoff, decreased filtration and percolation, and overall negative resource impacts. The encroachment of the development site towards the slough and into the upland habitat area (through the placement of recreation fields directly adjacent to the slough) would likely increase the flow of contaminated water from irrigation and surface flow changes directly adjacent to these sensitive areas. In addition to the direct fill of the upper finger of Hanson Slough, the downstream remainder of this system would likewise be adversely impacted by this new source of polluted runoff.

Grading of the undeveloped site and development of the proposed high school project would result in an alteration of existing on-site drainage patterns, as well as increasing runoff volumes and velocities from the site. In the proposed drainage plan, all runoff from the project site is designed to flow through on site collection systems prior to discharge into two created detention basins along Harkins Slough Road, and through three discharge pipes directly onto the upland West Branch of Struve Slough slopes. As such, existing drainage patterns into both Hanson and West Branch Struve Slough would be forever altered. Some limited filtering would be provided by the detention basins. However, unfiltered urban runoff would directly drain into the West Branch of Struve Slough, the "City's most valuable coastal resource according to the LCP," as would detention pond runoff into both West Branch and the remainder of Hanson Slough left unfilled off-site.

Adverse Effects From Increased Noise and Activity

The current use of the site, and the LUP's principal designation for Area C, is for agriculture. Major activity associated with agricultural production is generally limited to discrete times of the year when soil is prepared, crops are planted, and crops are harvested. Lesser amounts of activity dominate the rest of the year when crops are tended, minor equipment repairs are undertaken, et cetera. According to the current farmer, approximately 20-50 workers generally can be expected at any one time on Area C when the upper plateau area (outside of the ESHA area) is under agricultural cultivation.

Increased human activity visible and audible to West Branch of Struve Slough marsh and upland habitat areas will negatively impact the birds and animals therein. As described above, this is a relatively undisturbed environment, home to any number of migratory, seasonal and year-round inhabitants who are foraging, nesting, hunting and resting in this area. Some of these animals include State and Federally-listed endangered species. The current agricultural level of activity has a certain negative impact on this habitat area. However, since major agricultural activity is limited to discrete times of the year, and most of the

time there is limited activity as crops are more generally tended, the significance of this impact is lower than most uses.

The proposed amendment would change this dynamic in several ways. By allowing more of the site to be developed, more buildings, parking lots, walkways and other structures would be allowed on the site. Such increased structural development would be accompanied by more persons, and all of the corresponding activities associated with those persons (i.e., driving to and on the site, walking, talking, eating, working on the site, etc.). The increased level of activity would increase the amount of noise and movement visible and audible from the environmentally sensitive habitat areas on Area C. Depending on the use, night lighting and glares into ESHA would be expected. Such increased noise, activity and night lighting would likewise be expected at the Harkins Slough Road crossings of Hanson and West Branch Struve Slough due to increased access along (and potential expansion of) this road access to Area C. Such increased noise and activity would disrupt the adjacent habitat over and above the current level of disruption. This is inconsistent with the Coastal Act and Land Use Plan requirements that adjacent development not degrade these sensitive habitats.

Moreover, the proposed public school conditional use is much more person-intensive than the existing allowed or conditional uses. Students, teachers, employees, and visitors would need to make their way to the school and around the campus. During breaks in classes and after school, or during sporting events or other after-school activities, persons would be active on and around the campus. Public schools include such activity 5 days of the week for much of the year. Some districts, for example PVUSD, operate schools on a year-round schedule. There may also be weekend events and recreational use of the grounds, including scholastic football games which could draw large and noisy crowds. Such major public facilities are often available for other community uses and events which draw more users during off-peak school use times; such a community use is planned by the District for the proposed high school facility.[92] Such non-school related activities can include any number of events not necessarily associated with a school, but nonetheless that can take place at such a community facility, such as fairs, carnivals, and other such activities. These more intensive uses may also include lighting of the sports facilities and parking areas during nighttime events, which could result in long-term disruption of the nocturnal foraging and movement activities of wildlife adjacent to the school. Such noise and other impacts arising from the activities associated with person intensive uses (unless adequately managed or mitigated) are inconsistent with the Coastal Act and Land Use Plan requirements that adjacent development not degrade these sensitive habitats.

8. Mosquito Control

Intensified site use may also require more frequent applications of mosquito control methods. In February 2000, the Santa Cruz County Mosquito and Vector Control District for the first time will be treating West Branch Struve Slough adjacent to the subject site. Although the District treats regardless of adjacent uses, it will treat at a lower threshold (i.e., when the presence of mosquito larvae is lower) if there is an intensive use nearby (e.g., a school) or if complaints are received. Although the Mosquito and Vector Control District uses integrated pest management with safe chemicals, the potential for more aggressive

[92] Page 2-5 of the PVUSD Third High School FEIR (9/98).

treatments and possible attendant affects on the wetland ecosystem increases as adjacent intensified human uses increase.

9. Adequate ESHA Buffers

Buffers function as important transition zones between development and adjacent sensitive wetland and wetland upland areas. These buffer areas adjacent to such sensitive habitat areas act to protect the habitat from the direct effects of nearby disturbance (both acute and chronic), and sometimes provide necessary habitat for organisms that spend only a portion of their life in the wetland such as amphibians, reptiles, birds, and mammals. In fact, some wetland dependent birds and animals have specific needs that can only be met in the adjacent upland buffer. For example, small wetland dependent animals must often burrow above the water table to avoid flooding of their burrow. Moreover, "edge effect" theory proposes that species numbers of both plants and animals increase at the edges, due to the overlap from adjacent habitats and the creation of unique edge habitat niches.[93] By minimizing disturbance to the resource from adjacent development, and by providing transitional habitat areas, buffers contribute to the health and vitality of functioning wetland systems such as West Branch and Hanson Sloughs.

Natural buffer areas provide protection for sensitive habitats from adjacent urban use in a number of ways. Such areas can include barriers (for example, through fences and vegetative screening), blocking off activity, lights, glare, noise, et cetera that would otherwise adversely impact biological receptors in the ESHA. Depending upon their design, buffers can also be a functional part of the ESHA acting as a transition zone from the more sensitive to less sensitive parts of a site; for example, native revegetation. In addition, buffers can reduce the velocity of surface runoff from adjacent development and provide area for infiltration of runoff, removing particulate contaminants and protecting against sedimentation and erosion. Similarly, these areas can increase the retention period of water in adjacent wetlands by increasing local groundwater recharge through percolation.

The Coastal Act provides no specific dimensions for buffers adjacent to ESHA but the goals are outlined in Sections 30231 and 30240(b):

> ***Section 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
>
> ***Section 30240(b).*** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those*

[93] As detailed in "Wetland and Stream Buffer Size Requirements – A Review" (Castelle, Johnson, and Conolly), *Journal of Environmental Quality* (September – October 1994).

habitat and recreation areas.

While appropriate buffer widths vary, the most commonly used setback standard for wetlands and environmentally sensitive habitat has generally been 100 feet. This is the recommended minimum buffer width by the Coastal Commission Procedural Guidance for Review of Wetland Projects (June 1994). The City's current LCP policy mimics the 100 foot buffer standard. However, there is no biologic reason that dictates that 100 feet is the magic buffer number for protecting resources. In fact, site specific buffering standards should vary depending on the characteristics and value of particular wetlands, as well as the topography and other qualities of the site itself.

A literature review of buffer effectiveness completed in 1995 for the Coastal Commission outlines numerous studies and techniques for quantifying the necessary size of buffers.[94] This study found applied buffer widths ranging in size from 30 to 600 feet. Each study provided a set of issues to be considered when defining buffer width. Criteria include sensitivity and uniqueness of adjacent resources, intensity of adjacent development, and the slope of the buffer. None of the studies included a review of buffers with slopes of 15% or greater as is the case with the Area C site. One study in California, calculated that a buffer of 150 feet on a 3% slope was capable of 90% sediment removal. The variables that affect the efficiency of this model included vegetation cover, the width of the buffer, the slope of the area, vegetation height, the ability of soils to absorb water, and rate of runoff. The conclusions of a second study recommend a minimum buffer width of 100 feet to be maintained, and the buffer area should be sufficiently wide enough to include among others, soils with severe development constraints adjacent to wetlands and adjacent uplands, wetlands of high biological significance, and steep slopes of greater than 15%.[95]

The buffer widths found in the study done for the Commission is corroborated by a similar literature review study in 1994 which found appropriate buffers ranging in size up to about 650 feet.[96] The widest buffers were found to be necessary for high value wetland systems (such as Hanson and West Branch Sloughs) that were adjacent to intense land uses (such as that proposed by the LCP amendment). Of the multiple functions of buffers (such as for water temperature moderation, sediment removal, and nutrient removal, etc.), the widest buffer widths were directly correlated to the function of preserving species diversity. As an example, the study found that bird species diversity, richness, relative abundance, and breeding numbers were found to be positively correlated with wetland buffer size. As a general rule, the study emphasized that fixed buffer systems do not consider site-specific conditions and thus may not adequately buffer resources. Variable width buffer systems based upon unique site conditions, resource values, and adjacent land use intensities serve to better protect valuable resources.

The proposed modifications to the LCP would significantly impact the effectiveness of any ESHA buffer system and should therefore be reevaluated as to their size and structure. In fact, our understanding of buffer functions and their role in protecting habitat has increased since the LCP's current 100 foot wetland and 50 foot riparian buffer requirements were certified in the early 1980s. For example, the proposed

[94] Dyste 1995.
[95] Porter 1980.
[96] "Wetland and Stream Buffer Size Requirements – A Review" (Castelle, Johnson, and Conolly), *Journal of Environmental Quality* (September – October 1994).

increase in impervious surfaces from 10% to 50% would overwhelm the minimum 50 and 100-foot buffers suggested in the LCP. While onsite stormwater management measures would be required of any development on this site, the ultimate protection from urban runoff provided by the buffers would still be limited. The additional change proposed for Area C to allow development on slopes up to 25% would similarly increase the rate of stormwater flow, potentially increasing erosion of hillsides and the filling of the adjacent wetlands. The increased impervious surfaces and greater slope allowances would degrade both the long hydroperiod and low hydrologic energy normally associated with this portion of the wetland. Groundwater recharge through percolation would be limited by both the increased impervious surface and increased flow rates associated with greater slope allowances. In addition, since protected habitat areas would likewise be reduced by the proposed amendment, development would be allowed to move over the break in slope above these habitat areas, into both the buffer and habitat itself.

The PVUSD's high school project is instructive on these points. As currently envisioned, this proposed development would grade much of the proposed Area F site, including completely filling Hanson Slough and grading east of the current farm road to construct artificial fill slopes (up to a 44% slope gradient) above the West Branch of Struve Slough. These West Branch fill slopes, and the ballfields propped up by these slopes, would extend into the areas that currently qualify as ESHA as well as into buffer areas required under the existing LCP. These fill slopes extend to within 100 feet of the City's proposed West Branch wetland delineation.[97] Although the District has termed this area east of the artificial fill slope on proposed Area F a "Biological Restoration Area," the FEIR does not include any measures to restore this area. In fact, this area would be left alone until such time as an appropriate resource management agency were to come forward to facilitate (and pay for) restoration.

The currently proposed, and even the existing, LCP buffering measures are wholly inadequate to protect the valuable slough resources on this site in light of the significant intensification of development that would be allowed by the amendment. They do not take into account the unique site topography and the resource value and unique biological productivity of Hanson Slough, West Branch of Struve Slough and the overall Watsonville Slough System. In fact, rather than a rote recitation of the 100 foot standard, these unique resources and the site topography combine to dictate site specific buffering needs.

In fact, although CDFG and USFWS both have recommended that the school district pursue alternative site to protect the resources on Area C, both CDFG and USFWS have indicated that if any development were to take place on this site, it should be confined to the upper plateau area as opposed to reliance on a fixed buffer width. As stated by CDFG (see Exhibit K):

> *To minimize the potential loss of habitat values associated with this proposed change in the LCP, we believe much more of Area "C" should be acquired, the school facilities planned further away from the sloughs, and remaining area lands conserved. Buffers should extend beyond the break in slope above the sloughs to reduce[and] to buffer the effects on slough habitats from the effects of erosion from adjacent land uses. …We suggest the following requirements…School facilities should be arranged in the expanded site so they are as far from*

[97] According to the most recent PVUSD proposed high school drainage plans received in the Commission's Central Coast District Office February 24, 2000.

wetlands as practical, maximizing the area of protected uplands adjacent to the sloughs.

As stated by USFWS (see Exhibit L):

A 100-foot buffer is inadequate to protect such areas

These recommendations are echoed by Dr. Robert Curry:

It is critically important that the functional integrity of this system be maintained. The upland school site is the source of precipitation recharge that maintains these wetland systems. The only way to accommodate development on the upland site would be to confine it to the upper terrace area above both Hanson and West Branch Struve Sloughs. Any schoolyard development and roof areas should be developed with porous pavement and dry-wells to insure continued infiltration and recharge. No grassed playing fields should be allowed because these are among the very most damaging to adjacent recharge-dependent wetlands. No development of any kind should be allowed to extend over the break in slope above these resources. Since this break in slope is fairly clearly defined (by the existing farm road adjacent to West Branch Slough and by the steep bowl surrounding Hanson Slough), this setback should be easy to identify. In fact, these upland slope areas support a habitat that should be considered environmentally sensitive in its own right. If ANY activity is to take place in these areas, it should be limited to the control of non-native species and replanting with native trees, shrubs and grasses – nothing more.

Both CDFG and USFWS have indicated that the 100 foot buffer is inadequate to buffer Area C resources (see Exhibits K and L). This evaluation is corroborated by local wetlands expert Dr. Bob Curry (see Exhibit M). The proposed intensification of allowable development, in tandem with the lack of site specific buffering parameters that account for this intensification in light of resources, is inconsistent with the Coastal Act and Land Use Plan's ESHA buffering policies.

10. Cumulative impacts to Watsonville Slough System

Finally, it is critical to note that Area C is located within the overall Watsonville Slough System. This freshwater slough system is one of the most important in the State, and needs to be considered as a whole when plan changes and development scenarios inconsistent with its overall well-being are contemplated. As seen from the discussion above, there are several identifiable negative impacts that would be expected due to the proposed amendment package. The cumulative impact of these together would result in an overall decline in the Watsonville Slough System as a whole. As stated again by Dr. Robert Curry (see Exhibit M):

Finally, the Commission should note that Hanson Slough is part of the larger Watsonville Slough System, probably the most significant freshwater wetland system on the California coast. Even with the significant agricultural operations west of the Highway, much of this Watsonville System remains in a relatively natural state. This is precisely the type of resource protected by the Coastal Act. In fact, the school project, one that would flatten much of the site, including completely filling the finger of Hanson Slough and filling much of the upland habitat

slope of the West Branch of Struve Slough, is precisely the type of development that led to the citizen-initiated passage of Proposition 20 and the subsequent Coastal Act. ***I urge you to reject both the amendment and the school project.*** *…*

Even if development is confined to the plateau area, there would be significant and unmitigatable impacts on the sloughs. Further, development of the site would commit it to urban use; from which it would be difficult – if not impossible – to return to open space and conservation uses. The highest best use of this area west of Highway 1 is to allow future generations and Monterey Bay to enjoy improved water quality and esthetics of the most important freshwater slough habitat on the central coast. It is not to allow such rare habitat to be graded, filled, and covered with an urban use.

11. Coastal Act Consistency Conclusion

Land Use Plan Amendment Inconsistent with Coastal Act

In conclusion, the proposed amendment is clearly inconsistent with the Coastal Act's habitat protection policies for three overarching reasons. First, it does not recognize the extent of the habitat on site and reduces what the City itself had previously delineated as habitat (without sufficient justification and contrary to Department of Fish and Game, U.S. Fish and Wildlife and other experts assessments). The amendment then allow some of this habitat to be developed with uses that are not allowed by Sections 30233 or 30240. In fact, the proposed PVUSD high school would completely fill, grade and develop with structures the upper finger of Hanson Slough and would fill, grade and cover portions of the upland habitat of the West Branch of Struve Slough.

Second, the increased area of allowable development (on steeper slopes and more impervious surface coverage) will adversely impact the hydrology and water quality of Hanson and West Branch Struve Slough resources on site and downstream. Increased impervious surfacing changes the flow of water into the sloughs, affecting overall slough hydrology. Development, and increased impervious development, means an increase in runoff from the site. This runoff will contain typical urban runoff constituents which impair water quality. It is not consistent with the Coastal Act to allow for these additional detrimental effects to the Watsonville Slough System. Notably, the current LCP policies, including those designed to limit the intensity of development, were specifically put in place to protect these resources.

Finally, because of the more intensive use proposed by the amendment (i.e., public schools), it renders the buffers and criteria for development under the LCP inadequate to prevent adverse impacts on the habitat. More intensive development brings with it increased noise, lights, glare and associated activity to the detriment of sensitive animal receptors. Some of these receptors on Area C are State and/or Federally listed species. Such unmanaged person-intensive use is inconsistent with the Coastal Act and Land Use Plan requirements that adjacent development not degrade these sensitive habitats.

Therefore, the Commission finds that the proposed Land Use Plan amendment would result in a Land Use Plan that is inconsistent with the Coastal Act ESHA policies discussed in this finding and must be denied as submitted.

Implementation Amendment Inconsistent with Certified Land Use Plan

Since the proposed implementation amendment simply mimics the proposed LUP amendment, and since the LUP amendment must be denied, so too must the implementation plan amendment. Otherwise, it would allow for adverse habitat impacts not allowed by the currently certified land use plan. Typically, an implementation plan contains more detail to be able to implement LUP policies. If there were a land use plan amendment that carried out the Coastal Act, then an adequate implementation plan would have commensurately more detailed measures to address any potential adverse habitat impacts. Although there is relatively good detail in the Implementation Plan regarding habitat protection from indirect impacts, the proposed intensified site use also needs to be accompanied by additional measures necessary to adequately buffer and protect Hanson and West Branch Slough resources consistent with the site topography and the unique habitat present in the sloughs and upland areas. The proposed implementation plan proposes no such additional measures.

Therefore, the Commission finds that the proposed Implementation Plan amendment is inconsistent with and inadequate to carry out the policies of the Land Use Plan and must be denied as submitted.

E. Modifications Required to Achieve Coastal Act ESHA Conformance

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

1. Modifications to Result in a Certifiable Land Use Plan Amendment

In order to address the deficiencies enumerated in the denial findings, there are two basic approaches one could take. As suggested by the Department of Fish and Game, the entire site could be considered ESHA and hence limited to uses only dependent on the habitat. USFWS likewise suggests that the high school development be directed offsite. This approach has validity when one views the Watsonville Slough system in a comprehensive manner, noting that not only have the physical wetlands shrunk by at least half, but the upland habitats for many of the creatures that use the wetlands have been converted to non open space uses. The other approach is to recognize more limited habitat areas but to require them to be protected. Because the Commission chooses this later approach, in order to accommodate a public school, then: (1) the delineated habitat areas need to be protected and restored where necessary; (2) they need adequate buffering; and (3) the developed area needs to be designed so as not to adversely impact the habitat areas.

Measures to Protect and Restore the Delineated Habitats

First, the Land Use Plan needs to be updated to reflect the biological evaluations that have occurred since it was prepared in the early 1980's. The Land Use Plan contains habitat descriptions that are no longer complete. The information in this report can be included in the Land Use Plan (see modifications 5.A.1, 5.A.2, 5.A.3, 5.A.4).

Second, although agriculture is a priority use under the Coastal Act, it should not result in degradation of habitat areas. Currently agriculture is generally limited to the area west of the break in slope above the West Branch of Struve Slough, and into the upland finger of Hanson Slough. The LCP currently prohibits this agricultural incursion into the upper finger of Hanson Slough. If Hanson Slough area agricultural use is thus discontinued, and if any necessary habitat corridors or other habitat restoration measures are necessary on the site, some amount of agriculture would be converted to a different use. This could be read as inconsistent with the agricultural protective polices of the LCP. At a minimum, it creates unneeded confusion in the LCP. Therefore, a modification is necessary to explicitly state that agricultural lands needed for habitat or buffer can be converted to those higher priority uses (see modification 4.A.2).

Third, except for the lack of a complete functional connection under Harkins Slough Road, West Branch Struve Slough appears to be a well-functioning, little impacted wetland, that is not in need of intensive restoration. If restoration is pursued in this area to improve the habitat's function, it needs to be carried out according to a management plan prepared by a biologist and hydrologist (see modification 4.A.2). In contrast, the other wetland areas on the site could substantially benefit from restoration. A modification is appropriate to require restoration of adjacent drainage areas and the upper drainage flowing from under the Highway (see modification 4.A.2). In order to maintain continued biological productivity of these resources, any development activity that alters the hydrologic regime of the slough system needs to be dependent upon restoration of the affected slough segment (see modification 4.A.2). Finally, restoration plans with adequate monitoring and performance criteria are needed to ensure the continued function of these areas (see modification 4.A.2).

Fourth, the habitat areas should be permanently protected, legally as well as physically. There are many ways to accomplish this from deed restrictions, to open space and conservation easements to outright dedications (see modification 4.A.2). Since the Department of Fish and Game already owns and manages the adjacent Wildlife Refuge on West Branch Struve Slough, it is most sensible to give that agency management authority, if not outright ownership, over that portion of West Branch Struve Slough in Area C. However, the costs of any mitigation responsibilities arising out of approving a development on the site should be borne by the developer. No matter what legal mechanism is chosen for long-term protection, it needs to incorporate the safeguards enumerated here.

Fifth, one potential publicized benefit of a new school in Area C is that the curriculum would educate students as to the adjacent wetland resources. Although there is no such requirement built into the LCP amendment, the City has provided various indications that the school district would establish such a curriculum. This is worthy and deserving to be included in the amendment. A similar requirement was placed on North Monterey County High School adjacent to Moro Cojo Slough (CDP P-77-83). However, care must be taken to ensure that there are not adverse impacts from large numbers of students trampling the wetland in the name of science. Such measures would include: having a designated observation area within the school grounds above the wetland; a limited designated degraded area for supervised students to work in to learn about restoration, monitoring, etc.; a strictly controlled access program into any other wetland area on the site or nearby; and a program that makes use of other wetland areas in the City where there are already developed paths and other amenities suitable for use by schoolchildren (see modification 4.A.2).

Sixth, if development of Area C should require improvements to allow access to the site, such improvements need to be accomplished in a manner that is protective of habitat. The preferred option would be to bring the access road to the site via West Airport Boulevard to the north so as to avoid impacting West Branch Struve Slough and Hanson Slough resources located along Harkins Slough Road. If this is not feasible, and if any development on Area C should require any improvements to Harkins Slough Road (including, but not limited to road widening), those improvements should include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Preserve, and culverts of adequate size to ensure Hanson Slough connectivity; fill of any portion of the West Branch of Struve Slough or Hanson Slough should be prohibited. Any such road improvements should include measures to protect habitat, and should be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough or Hanson Slough, particularly at night when many foraging and hunting species are most active. Any road improvements to Harkins Slough Road should be the minimum necessary (including the minimum length of Harkins Slough necessary) to accommodate permitted development so as to avoid unnecessary degradation to slough resources along the road (see modifications 2.A.1, 2.A.2, 2.A.3, and 4.A.2).

Measures to Ensure Adequate ESHA Buffers

Seventh, all habitat areas need to be adequately buffered and measures put in place to ensure the function of these buffers. It is important to note that no buffer width can guarantee protection of adjacent wetland resources. The Commission recommends applying appropriate buffers for Area C based on the guidance from many of the models developed throughout the country, while considering the uniqueness and sensitivity of the resources of Watsonville Slough combined with the proposed increase in allowable building coverage and intensity contemplated for this site (i.e., a public high school). While a variety of models have been developed for each specific region, most determine that for sensitive areas or areas with significant potential development impact, a minimum buffer width of 300 feet was appropriate. This width is generally sufficient for Area C. However, Area C's geomorphology (including the steeply sloping upland habitat areas, soil permeability, and functionality of upland "buffer" areas) combine to dictate that the best management strategy is to restore and maintain the natural habitats and drainage patterns on these slopes and to restrict development to the upper areas of the parcel. When considered in tandem with the intensity of development being proposed, the increase in impervious surfaces, the special biological value of West Branch Struve Slough and Hanson Slough, and the importance of providing a natural hydrologic regime to these resources, particularly in light of the intensive use being proposed, such site specific buffering is clearly necessary for Area C. This can be accomplished through a development envelope for the site that identifies areas where development can take place, interior to the relative break in slope upland of the wetlands, without harming site ESHAs (see modification 4.A.2).

The development envelop buffer model implements required modifications for not only ESHA resources, but also acts to partially limit landform alteration, development along steep slopes, and development in the public viewshed, thus implementing suggested modifications required to address Coastal Act issues in

these areas.[98] The effect of this development envelope will be to keep any allowed development above the relative break in slope on Area C above both Hanson and West Branch Struve Slough resources. This will act to direct development away from steep slopes and onto the flatter plateau area where it will do the least amount of damage to slough resources. The relative break in slope in this case is dictated by the existing farm road on the east, and, generally, by the areas above 15% slope surrounding Hanson Slough on the southwestern portion of Area C. The small wetland areas identified by the City along Harkins Slough Road (and adequate buffers thereto) would be wholly within the 200 foot agricultural buffer suggested to be applied along Harkins Slough Road.[99] This development envelope is consistent with the recommendations of CDFG, USFWS, and local wetland expert Dr. Robert Curry who all indicate that if any development were to take place on this site (all recommend against any development of this site), it should be confined to the upper plateau area as opposed to reliance on a fixed buffer width.

In fact, although CDFG and USFWS both have recommended that the school district pursue alternative site to protect the resources on Area C, both CDFG and USFWS have indicated that if any development were to take place on this site, it should be confined to the upper plateau area as opposed to reliance on a fixed buffer width. CDFG states (see Exhibit K):

> *Buffers should extend beyond the break in slope above the sloughs to reduce [and] to buffer the effects on slough habitats from the effects of erosion from adjacent land uses. …We suggest the following requirements…School facilities should be arranged in the expanded site so they are as far from wetlands as practical, maximizing the area of protected uplands adjacent to the sloughs.*

As stated by USFWS (see Exhibit L):

> *A 100-foot buffer is inadequate to protect such areas.*

As stated by Dr. Robert Curry:

> *The only way to accommodate development on the upland site would be to confine it to the upper terrace area above both Hanson and West Branch Struve Sloughs. Any schoolyard development and roof areas should be developed with porous pavement and dry-wells to insure continued infiltration and recharge. No grassed playing fields should be allowed because these are among the very most damaging to adjacent recharge-dependent wetlands. No development of any kind should be allowed to extend over the break in slope above these resources. Since this break in slope is fairly clearly defined (by the existing farm road adjacent to West Branch Slough and by the steep bowl surrounding Hanson Slough), this setback should be easy to identify. In fact, these upland slope areas support a habitat that should be considered environmentally sensitive in its own right. If ANY activity is to take place in these areas, it should be limited to the control of non-native species and replanting with native trees, shrubs and grasses – nothing more.*

[98] See other findings; suggested modifications begin on page 157.
[99] See Agriculture finding beginning on page 69.

Eighth, as evidenced by the Dr. Curry's above sentiment, the City's LCP needs to clearly identify what is allowed – and what is required – within those buffers. Allowable uses should be limited to those that foster habitat values (such as restoration). In some areas, some, passive recreation may be possible. Based upon the site resources, specific buffer parameters should be established for each individual buffer area (see modification 4.B.3). In order to allow for the significant increased intensity of use of the site, it is necessary to ensure that these buffer areas adequately function. Accordingly, invasive exotics need to be actively removed and these areas need to be planted with native trees, shrubs, plants and grasses as appropriate (see modification 5.A.5). Any such efforts need to be within the parameters of a plan prepared by a wetlands expert to ensure proper functioning of the buffers and associated habitat areas (see modification 4.A.2). Similar to the habitat areas being buffered, these buffers habitat areas need to be permanently protected legally as well as physically. There are many ways to accomplish this from deed restrictions, to open space and conservation easements to outright dedications (see modification 4.A.2). Finally, restoration plans with adequate monitoring and performance criteria are needed to ensure the continued function of these buffers (see modification 4.A.2).

Ninth, the current LCP makes an artificial distinction between the buffers required for riparian areas and those required for wetlands and wetland transition areas on Area C. Riparian areas function similarly to wetlands and their resource value should not be considered any less. In this case, the riparian area on Area C is a portion of the headwaters of Hanson Slough and a crucial resource in need of adequate buffering and protections. In fact, a 100 foot buffer for this area may be too small given the discussion above. In any case, lacking evidence to define a different buffer for this area, the most cautious course of action is to apply the 100 foot wetland buffer to this area consistent with the minimum 100 foot buffer afforded other wetland habitat on Area C; such a buffer in tandem with the required agricultural buffers and steep slope areas combine to protect this area consistent with the discussion above (see modification 4.B.2).

Tenth, the CDFG Reserve directly south of the site is an ESHA. This area is also outside of the City limits. However, as a wetland, the LCP's 100 foot wetland buffer requirement would still apply. The development envelop for Area C needs to take into account this required buffer area (see modification 4.A.2).

Eleventh, the buffer areas between the development envelope and the ESHA need to be designed to shield such sensitive habitat areas from development, and to restore and maintain the functional resource value of the upland habitat buffers (see modification 4.A.2).

Twelfth, although it is implied that the LCP's general ESHA protection policies apply to the Highway One and local street right-of-way areas, these areas are not explicitly mapped as part of any coastal zone area (i.e., current A through E). As such, their status should be clarified in the LCP to ensure that the wetland protection and setback policies apply to freeway right-of-way land as well as Area C. While the City has indicated that any development of this site (e.g., adding an off-ramp) is independent of the proposed high school project, since the Commission is reviewing policies that apply to this ESHA it makes sense to ensure that the LCP is written so that the entire ESHA is protected, not just its western portion. Therefore, modifications are needed to state that the policies of the LCP apply to all of the coastal zone, including the freeway right-of-way beyond Area C (see modifications 2.A.1 and 2.A.2).

Minimizing Impacts of Any Development on Area C

Any development on Area C will be accompanied by the attendant on and off-site impacts discussed in the denial findings above. This is particularly evident for such an intensive use as the PVUSD-proposed high school at this site. To ensure that such development does not adversely impact on-site Hanson Slough and West Branch Slough resources, and by extension the entire Watsonville Slough System, modifications are necessary to:

- minimize noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers;
- minimize landform alteration and to limit alteration of steep slopes to isolated areas and, only for a public school, to help prevent erosion and runoff into the habitat and maintain the slopes as both habitat buffers;
- cluster permitted development to allow maintenance of open-space agricultural and habitat areas;
- minimize impervious surface coverage, and allow increased coverage only for a public school the minimum size necessary to accommodate demand;
- identify the parameters of required erosion control measures to be taken during construction to preserve habitat areas;
- identify and utilize appropriate best management practices (BMPs) to capture and filter all runoff prior to discharge to slough resources and/or from the site, to use restored swales to filter and hold drainage, and to increase onsite percolation and filtration of runoff. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes should be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation and promote restoration of functioning habitat.
- limit onsite parking lot areas and use special BMPs to capture and treat runoff associated with vehicular uses;
- ensure that structural BMPs, other than vegetated strips consistent with a biological restoration plan, are placed outside of environmentally sensitive habitat buffer areas;
- maintain peak runoff rates and volumes at levels similar to pre-development conditions;
- limit the use of pesticides, herbicides and fertilizers, and to provide for planting of suitable native landscaping (see modification 4.A.2);
- ensure that dry cleaning (i.e., sweeping and/or vacuuming) of all parking lot areas, driveways, and other vehicular traffic areas occurs on a regular basis to avoid flushing of accumulated debris and polluted runoff constituents;
- ensure that all outside storage areas and loading areas are graded, paved and equipped with adequate wash down facilities;
- ensure that all restaurants and/or food service uses include a plumbed wash-down area (either inside or out);

- ensure that all BMPs are permanently operated and maintained.

See modifications 2.A.3, 2.B.4, 3.A.2, 3.B.2, 3.B.3, 3.B.4, 9.A.1, 9.A.2, 9.B.1, and 9.B.2.

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the Land Use Plan as amended and as further modified is approved as satisfying Coastal Act policies with respect to environmentally sensitive habitat and wetlands.

2. Modifications to Result in a Certifiable Implementation Amendment

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the land use plan. Since the land use plan is being amended and modified in the manner just described, likewise, the Implementation Plan must be so modified. This means that the Implementation Plan must also contain modifications to ensure that habitat protection policies apply to the freeway right-of-way (see modifications 2.B.1, 2.B.2, 2.B.3, 2.B.4, and 2.B.5), require permanent protection of habitat and buffer areas (see modifications 4.B.2, 4.B.3, and 4.B.4), landscaping consistent with habitat requirements (see modifications 4.B.3 and 8.B.1), adequate buffer areas and plantings (see modification 4.B.4), runoff controls (see modification 4.B.4), limits on altering steep slopes (see modification 8.B.1 and 4.B.4), and an environmental stewardship program (see modification 4.B.4).

Not only must implementation plans be consistent with the land use plan provisions, they must provide the necessary to detail to ensure that the land use plan provisions are carried out. Thus, a new zoning section is necessary detail the mechanics of ensuring that habitats and their buffers will be established and legally and permanent protected (see modification 5.B.3). Additionally, new sections need to be incorporated into the Implementation Plan to detail the mechanisms for restoring and enhancing environmentally sensitive habitats and their buffers. Models for these provisions are conditions that the Coastal Commission has imposed on its coastal permits involving habitat enhancement and restoration (for example, see modifications 5.B.1 and 5.B.2). Also, more detail is necessary to direct appropriate landscaping with native vegetation (see modification 8.B.1). Likewise, specific BMP provisions must be detailed (see modification 9). If so modified in all of the ways outlined here according to the cited modification texts, then the Implementation Plan as amended and as further modified is approved as being consistent with and adequate to carry out the certified Land Use Plan as amended and as further modified with respect to habitat issues.

4. Scenic Resources

The Coastal Act provides for the protection of scenic resources and natural landforms. Area C is comprised of scenic, rolling, agricultural hills above wetlands in the public viewshed of Highway One, Harkins Slough Road, Lee Road and beyond. The proposed amendment retains policies to hide development from Highway One if feasible, and limit heights of development on Area C to 30 feet. However, the amendment also allows development on slopes less than 25% (replacing the current 15%

slope grading limitation), and at a much greater intensity (50% impervious surface coverage; public school use added). The effect of the proposed amendment will be to allow massive development and grading in the public viewshed. The amendment is thus inconsistent with the Coastal Act because it fails to protect the scenic viewshed, allows significant alteration of the natural landforms, and allows urban style development that is out of character with the rural surroundings. The amendment can be approved, though, if modified to setback development from the steep slopes, limit night lighting, and include design guidelines consistent with the area's rural agricultural character.

A. Coastal Act Scenic Resource Policies

Coastal zone scenic resources are afforded a high level of protection by the Coastal Act. The Act protects such resources through a number of complementary policies. Some of these policies speak directly to view corridors, others to landform alteration, yet others to maintaining the character of special coastal zone resource areas. The Coastal Act states:

> ***Section 30001(b).*** *The Legislature hereby finds and declares that the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.*
>
> ***Section 30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

In addition to the landform alteration reference in Section 30251, Coastal Act Section 30253 also directs new development to avoid alteration of the natural landform. Section 30253 states, in applicable part:

> ***Section 30253(2).*** *New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Visual access to and along the coast is also considered a form of public access. As such, the Coastal Act's access polices are also relevant. Applicable Coastal Act access policies include:

> ***Section 30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas*

from overuse.

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The Coastal Act visual policies interrelate and overlap. In general, the Coastal Act requires that development be sited and designed to protect views of and along scenic coastal areas, minimize the alteration of natural landforms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas. New development in highly scenic areas is required to be subordinate to the character of its setting. The Coastal Act's visual policies are also related to other previously identified resource protective policies. For example, policies that protect agricultural lands from conversion to urban uses likewise protect the rural open-space character of the coastal zone. Also, policies that protect environmentally sensitive habitat areas from degradation, preserve scenic resources since these habitat areas, and more specifically their health and vitality, also contribute to the visual character of the coastal zone.

B. Existing and Proposed LCP Scenic Resource Policies

Although many of the previously mentioned ESHA, Agriculture, and Public Services LCP policies also protect visual resources, the certified LCP specifically protects scenic resources through LUP Policy II.B and IP Section 9-5.705(f)(3). These policies apply to all of the City's coastal zone.

LUP Policy II.B. *Coastal Visual Resources. New development shall be sited and designed to protect views of scenic coastal areas (including the wetlands of the Watsonville Slough complex and associated riparian areas), to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding area, and where feasible to restore and enhance the visual quality of visually degraded areas; all utilities in new development shall be placed underground, and hillsides shall be reforested where feasible and compatible with view protection. Relation to Coastal Act: Section 30251. Effect on Development: Scenic coastal areas afforded view protection include the wetlands of the Pajaro Valley Slough complex visible from or across Areas A, B, and C. Underground placement of utilities and hillside reforestation are existing requirements of the City's Conservation Element and support the preservation of visual resources.*

IP Section 9-5.705(f)(3). *Policy II.B, Coastal Visual Resources. New development shall be sited and designed to protect views of scenic coastal areas; in particular, this requirement shall apply to the seaward views from State Route 1, across the wetlands and associated riparian areas of the Watsonville Slough Complex and along the Pajaro River. These existing scenic views of natural habitat and agricultural croplands shall be protected through all appropriate measures, including but not limited to:*

(i) Where feasible, new structures shall be hidden from Highway 1; otherwise such

development shall be screened through planting and permanent upkeep of appropriate tree species (such as native live oak which will provide, upon maturity, complete vegetative screening on a year-round basis);

(ii) All utilities in new development shall be placed underground;

(iii) Advertising and commercial signs that which would block views from Highway 1 to the wetland and riparian areas shown on LUP Fig. 2, shall not be allowed.

The land use plan does not specific a height limit, but the IP states that the height limit on Area C is 2 ½ stories/30 feet.

There is also one land use plan policy (and complementary IP section) that applies to Area C that relates to landform alteration:

Policy II.C.3.f. *Maximum slope of developed portion of lot (before grading): 15 feet in any 100 foot interval.*

Although the proposed amendment does not propose specific changes to the LCP's visual resource policies, as discussed below, the overall effect of the amendment would be inconsistent with these policies without some modification.

C. Background: Current Public Viewshed Setting

By almost any standard, the rural agricultural rolling hills of south Santa Cruz County and the Watsonville coastal zone must be regarded as a scenic coastal resource of great public importance. Vast wetlands of the Watsonville Slough System interspersed with large farms on varied terrain provide a welcome respite from the urban corridors of Santa Cruz, Capitola, and Aptos to the north. As one travels downcoast from Santa Cruz towards Watsonville along Highway One, sparsely developed coastal foothills predominate. Downcoast of the City along Highway One (past the Pajaro River and into Monterey County), the lush farmlands of the Pajaro Valley lap both sides of the Highway extending in all directions. In fact, the City itself, situated almost entirely east of Highway One north of the Pajaro River, is an urban island in an otherwise rural and agricultural sea. Highway One in south Santa Cruz County has been designated by the City (General Plan) and County (LCP) as a scenic road, and is eligible for such designation by the State Scenic Highway Program.

The coastal zone areas of the City (Areas A, B, and C) are likewise largely undeveloped, characterized primarily by rolling agricultural lands and the vast wetlands of the Watsonville Slough System. By contrast, the non-coastal zone areas in the City have been undergoing significant urbanization. This includes both the inland side of Highway One as well as the small portion of the City west of the Highway that was removed from the coastal zone by the State Legislature in 1979. In fact, the contrast in land use and development for the portion of the City west of the Highway outside of the coastal zone when compared to the surrounding (and agricultural) area inside of the coastal zone is particularly evident. Although several areas outside of the City (and outside of the coastal zone) remain in agricultural use east

of the Highway, the City has pursued annexation of these areas (thus far denied by the LAFCO) and development pressure on these areas is high.

Area C is easily the most scenic portion of the City's coastal zone. Framed by the West Branch of Struve Slough adjacent to the Highway, the vast CDFG Ecological Preserve to the south, and the undeveloped agricultural fields of south Santa Cruz County to the west, Area C lies in the middle of an agrarian/wetland landscape. Highway One, Harkins Slough Road, Lee Road, West Airport Boulevard, and the Highway 152 off-ramp all provide public vantage points from which to enjoy this setting. In fact, this entire sweep of unspoiled landscape can be viewed by the public in a continuously unfolding panorama along Highway One for travelers in both directions. The views from the small local roads on the west of the Highway allow the public to venture within this lush landscape; Harkins Slough Road is a prime example. As appropriately stated in the City's General Plan:

> *More than any other route in the city or planning area, Harkins Slough Road provides a close-up view of the unique beauty of the area's sloughs and marshes.*

In fact, Highway 1, Harkins Slough Road, and the Highway 152 off-ramp are all designated as scenic roads by the City; Highway 1 and the Highway 152 off-ramp are also so designated by the State.

The site, and the undeveloped lands west of Highway One, provide both a visual and land use transition from the urbanized areas of the City east of the Highway, and the vast rural landscape extending west to the ocean. As stated in the PVUSD's FEIR for the proposed high school at this location[100]:

> *The combined natural open space of the sloughs and the adjacent uncluttered agricultural landscapes devoted to cultivation of row crops grown under sprinkler irrigation and to cattle grazing provides a distinguishing transition from urban to rural land use west of Highway 1. The proposed project location along Highway 1 makes it an important part of the view corridor of the visual open space.*

D. Analysis of Consistency with Coastal Act Scenic Resource Policies

1. Introduction: Proposed Amendment's Effect on Scenic Resources

The proposed amendment would increase the amount of development that could ultimately be considered for Area C. As previously discussed, if the City were to make findings to allow a conversion of agricultural lands, the amendment components to allow wetland fill, to redelineate habitat, to allow increased impervious surface coverage, and to allow development on steeper slopes would combine to result in more potential development of Area C. All of Area C is in the public viewshed (including views

[100] PVUSD proposed third high school FEIR.

from Highway One, Harkins Slough Road, Lee Road, West Airport Boulevard, as well as several local streets and viewing areas inland of the Highway), and most of it is visible from Highway One. This visible portion also is part of the State Scenic Highway Program. As such, the increased level of allowable development, including but not limited to development on steeper slopes, would be entirely in a significant public viewshed.

The Coastal Act mandates the protection of the scenic areas of California's coast. The Area C public viewshed is one such highly scenic resource. The public has long enjoyed the panoramic rural vistas available of, over and across Area C as seen from Highway One, and to a lesser degree Harkins Slough Road, Lee Road, West Airport Boulevard, and the Highway 152 overpass. Current LCP performance standards limit development in this Area. In contrast, the proposed amendment would allow substantial urban development on Area C, would allow for development on steep slopes, and would allow grade and fill of a portion of Hanson Slough.

As identified above, the proposed amendment would allow for a significantly greater intensity of non-agricultural development to be located on Area C. Industrial, residential, and public school uses could all develop at this greater intensity under the proposed amendment. Since such a greater allowable intensity makes the land itself more attractive *for* such development, the pressure for such urban development would correspondingly increase. Thus, not only would a physically much larger development be possible at this location, but such a plan change may in itself induce such a development. In addition, the proposed amendment would induce further growth west of the Highway into mostly open space agricultural and wetland areas.

In addition to an overall greater intensity of development, the proposed amendment would allow development on portions of the site most directly in the Highway One viewshed. By reducing the area delineated as ESHA in the West Branch of Struve Slough, development constraints are removed for much of the upland slope most visible from the Highway. Moreover, increasing the developable slope from 15% to 25%, means that much of the steeper portions of this slope could likewise be developed. Much of the ESHA previously protected in this critical viewshed location would no longer be protected (compare Figures 7 and 8).

Similarly, the removal of slope and ESHA constraints for the upper finger of Hanson Slough would allow development where it was previously not allowed within the Harkins Slough Road and Lee Road viewshed.

Although not before the Commission at this time, the proposed high school is an example of what the proposed amendment would allow. Current designs show approximately 213,000 square feet of buildings as well as various playfields and several parking lots. The proposed high school would spread over approximately 55 acres of Area C on proposed Area F, extending over the break in slope towards the West Branch of Struve Slough. Crib retaining walls would be required on the slope in order to achieve flat terrain for ballfields. In order to prepare the site for development, massive grading (approximately 1,000,000 cubic yards) is proposed to flatten the rolling Area C hills. The effect of this would be to "level" the southwesterly sloping terrain visible from Highway 1 into a manufactured flat grade; the slope above the West Branch of Struve Slough would be artificially steepened up to a 44% slope gradient. All

of the upper finger of Hanson Slough would be graded and filled to allow for the placement of school buildings and a parking lot. The futuristic design and massive forms of the school, and the artificially smoothed, flattened and steepened slopes, would be clearly visible from several primary public view locations, including but not limited to the Highway One scenic highway corridor.[101] See Exhibit G for site plans, grading plans, and elevations of PVUSD's proposed high school.). Such development would forever alter the rural coastal agrarian landscape west of the Highway on Area C, and could portend a future shift to such urban development in the general vicinity. Views from State and locally designated scenic roads would not be preserved.

2. Standards Not Adequate to Protect Scenic Views

The existing LCP scenic resource policies rely in large measure on the existing site performance standards to ensure that the mass, scale, bulk, and location of any non-agricultural development on Area C appropriately maintains the scenic resource value consistent with the Coastal Act. The current standards act to minimize development and concentrate any such allowable development on the sloping plateau running along the center of Area C.[102] This means that the LUP's visual policy can be applied in a manner to achieve its intended goals. The majority of the property would be left in open space and the development could be sited so that scenic views are protected.

This situation would dramatically change with the proposed amendment's relaxation of the site location and intensity standards. Non-agricultural development could sprawl over the site, onto steep slopes, covering areas heretofore non-buildable with structures. The newly "buildable" portions of the site would include the sloping areas most visible to the public. The proposed amendment thus results in the document's internal inconsistency since the text cited above will no longer be accurate.

While the existing LUP scenic resource policies provide sufficient *general* parameters to implement the Coastal Act's scenic resource policies for the uses and intensities currently allowed, they are lacking in the face of such proposed changes. That is, one could read the proposed amendment as a presumption that the allowed development is generally permissible, especially in the absence of an LUP policy statement that says development must be scaled back to protect scenic resources. Thus, the standard to protect scenic views would be applied in the context of the allowed development. As noted previously, the proposed amendment allows four times the impervious surface coverage as the current amendment. Assuming half of that was structures, then there could be 20 acres of buildings located on 55 acres as opposed to 5 acres located over 81.

At bottom, it will be difficult to meet the visual resource standards of Coastal Act 30251 under the proposed amendment. With the proposed intensities of development, protection of one part of the site will necessarily impact another. Thus, it would be difficult to mitigate visual impacts from Highway One without affecting views from Harkins Slough Road. If development is tightly clustered, it may be too massive; alternatively, scattering development in less visible areas will increase the visual impact from

[101] See Section 5.15 of PVUSD proposed third high school FEIR.
[102] In fact the LUP's text proclaims, "the foregoing requirements will cluster development within the high, gently sloping terrace which runs along the middle of Area C."

multiple viewpoints. Overall, the ability to protect scenic views under the proposed amendment is thus compromised.

There is also no height limit in the land use plan. In short, the amendment comes with it the expectation of such an intensity of use that there is no play to achieve the objective of Section 30251 and for a public school there is not the opportunity to do all the kinds of measures necessary given state standards unless scaled back significantly, there is nothing in the LCP or amendment that says to scale back intensity of use to enable scenic policies to be implemented

Finally, with regard to the proposed high school itself, the PVUSD's FEIR concludes that, even after all mitigations were implemented, the proposed high school would have significant adverse impacts on public visual resources, including views of the site from Highway 1, Harkins Slough Road, and Lee Road, that cannot be mitigated.[103]

3. Landform Alteration

The relaxation of the current LCP slope building restrictions means that development can occur on steeper slopes. Development on steeper slopes also potentially requires a greater amount of landform alteration than does equivalent development on more relaxed topography. Given the topography of the site, if the more intensified use of the site allowed by the proposed amendment is to occur, the result will have to be much more grading and hence landform alteration.

Again, while not before the Commission, the plans to date for the proposed high school are illustrative of what could potentially occur under the proposed amendment. As noted it would involve approximately 1,000,000 cubic yards of grading). Thus, the natural sloping landform of the site would be replaced by smooth, manufactured, and steepened slopes. Both wetland landforms would be substantially altered. Rolling natural terrain would be replaced by smooth, manufactured, and steepened slopes, up to a 44% slope gradient for portions of the slope above the West Branch of Struve Slough. This type of effect is clearly prohibited by the Coastal Act.

Even if one argued that the type of development envisioned by the amendment should be allowed if the effects would be mitigated, there is a still a problem with the proposed amendment. If development on the slopes tried to comply with the LCP's scenic policies by being designed to conform as much as possible to the natural surrounding terrain, then it would likely require some form of stepped construction requiring vast amounts of grading and retaining walls to maintain the unnatural new contours. If some form of pier construction were used instead to minimize grading and alteration of the underlying land, protruding overhangs, making any development appear more massive than it may actually be, would be expected as well. Where there are such potential results, it is incumbent on a local coastal program to have remedies. There are no such provisions in the local coastal program.

4. Rural Character Threatened

[103] See Section 5.15 of PVUSD proposed third high school FEIR.

The greater intensity of development allowed by the proposed amendment threatens the rural character of the area. Again, under the parameters of the amendment, the visual policies will lack specific direction to shape the design and siting of more intensive development. In particular, there are no standards to require that development be compatible with the rural setting of Area C. The proposed high school's design is illustrative of what could potentially occur under the amendment. Its massive, futuristic design is not compatible with the overall rural agricultural character of the surrounding area. The proposed design also is completely out of scale with the undeveloped rural area west of the Highway.

The greater mass and scale that could result from this amendment would be similar to that heretofore distinguished as urban development on the east side of the Highway. In fact, whereas there is now a distinct contrast between urban, east of Highway One land use and that west of the Highway, both sides of the Highway would appear similarly urban were the site to be developed as allowed under the proposed amendment. Apart from the reality of growth inducement discussed earlier, the visual impact of the proposed amendment will entail a significant change in the perception of the urban-rural boundary; the perception would be that urban land use was not limited to east of the highway any longer.

5. Coastal Act Consistency Conclusion

Land Use Plan Amendment Inconsistency with the Coastal Act

In sum, the proposed amendment would result in a Land Use Plan clearly inconsistent with the Coastal Act's scenic resource protection policies for three overarching reasons. First, it is not designed to protect views to the coast and scenic areas; rather it greatly lessens the protections built into the current LCP by virtue of the more intensive development that it will allow. Longstanding coastal views would be forever blocked. Second, it does not minimize alteration of natural landforms. Again, the more intensive development and the loosening of the slope restrictions will potentially result in greater landform alteration. Third, it will not result in a design that is visually compatible with the character of the surrounding rural agricultural area. The proposed PVUSD high school is indicative on all three points. As such, none of the applicable scenic resource criteria of Coastal Act Sections 30251, 30253(2), 30210 and 30211 are satisfied.

Therefore, the Commission finds that the proposed Land Use Plan amendment would result in a Land Use Plan that is inconsistent with the Coastal Act scenic resource policies discussed in this finding and must be denied as submitted.

Implementation Plan Amendment Inconsistency with the Certified Land Use Plan

The lack of Land Use Plan direction for addressing the greatly intensified development allowed by the proposed amendment is carried over into the Implementation Plan. Typically, an implementation plan contains more detail to be able to implement the LUP's general policies. In this case, the current Implementation Plan has worthy language that requires hiding development from view. However, it contains the qualifier, "if feasible." It would not be feasible to hide a school development of the magnitude allowed for by the proposed amendment. Therefore, the implementation plan is deficient in not offering standards in the case of infeasibility. Likewise, the existing IP policies are not specific enough to ensure that the location, mass, scale, bulk, and character of any of non-agricultural development would be

consistent with the intent of the Land Use Plan requirements.

The existing LUP also contains provisions for minimizing natural landform alteration. Current IP policies for Area C that keep development off steep slopes and limit impervious surface coverage help to implement this provision. However, increasing developable slope, increasing impervious surface coverage, and removing ESHA protection for areas of the site combine to allow for more potential landform alteration. Much of the newly developable portion of the site would be located on the upper slopes above the West Branch of Struve Slough where it would be most visible to in foreground Highway One views. This is inconsistent with the Land Use Plan.

The existing LUP also contains provisions for maintaining visual compatibility with the surrounding area. The IP, however, does not contain any specific language to ensure that this is the case. Current IP policies limiting development on Area C help to implement this provision because the low-intensity development allowed on the site would be clustered along the center of the plateau where it would be least likely to impact resources and adversely affect the public viewshed. The low coverage ensures that a small cluster of buildings, at most, would be allowed. Such a small clustering could be found compatible with the surrounding area. The proposed amendment, however, allows for much more massive development without any IP policies to implement the LUP's visual compatibility requirement. This is inconsistent with the Land Use Plan.

Finally, since the proposed Implementation Plan amendment simply mimics the proposed Land Use Plan amendment and provides no additional design guidance, and since the Land Use Plan amendment must be denied, so too must the Implementation Plan amendment.

Therefore, the Commission finds that the proposed Implementation Plan amendment is inconsistent with and inadequate to carry out the policies of the Land Use Plan and must be denied as submitted.

E. Modifications Required to Achieve Coastal Act Scenic Resource Conformance

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

1. Modifications to Result in a Certifiable Land Use Plan Amendment

In general, the increased intensity of use allowed by the amendment is not consistent with scenic resource protection. If the purpose of the proposed amendment, namely allowing a high school, is to be accommodated, then the current design policies must be made more directive to (1) minimize landform alteration, particularly any such alteration most prominent in the public viewshed; (2) site development away from the public view as much as possible; and (3) be consistent with the rural agricultural landscape.

Minimize Landform Alteration

The Commission's experience has shown the difficulty of applying view protection policies that only require that projects be designed to "minimize impacts on public views" or "minimize grading." What does "minimize" mean in any given context? What can regulatory agencies reasonably require by way of redesign? Can the developer be required to completely conceal his/her project? Can we trust future landscape screening to screen the project? Will such screening create its own negative visual impact? These questions are debated endlessly across the nation whenever local regulatory efforts are applied to the problem of public view protection.

Decision-making bodies are not well-served by such fuzzy-edged standards, which often result in the concessions to visual intrusions because there is no clear minimum performance criterion. Often as not, the result is further "cluttering" of public views. It is evident that such "minimize impacts" standards are too subjective where preservation of public views is the overriding concern.

Measures that could be taken to *explicitly* define acceptable landform alteration include not allowing any grading, specifying maximum developable slopes that can be graded, specifying the maximum amounts of grading (i.e., cubic yards), directing appropriate areas where grading can and cannot take place, and combinations of these, and other, measures. In this case, several complementary Coastal Act and LCP objectives can be realized by defining a developable area on Area C that avoids the slopes above on-site sensitive habitat resources.

By keeping any allowable development on the gently sloping plateau on the center of Area C, artificial contours will be minimized, though not entirely hidden, in the public viewshed. Development will not be allowed to 'spill over' the break in slope above the West Branch of Struve Slough and Hanson Slough on the subject site. This also benefits preservation of these habitat areas by avoiding them and their buffers, minimizing changes in hydrology associated with development along these upland habitat slopes, and reducing water quality runoff issues (see also ESHA findings). Modifications 4.A.1 and 4.A.2 provide for such a development envelope for Area C; modification 8.A.1 provides the general visual policy parameters; see Figures 1 and 15 for a depiction of the development envelope.

Clustered Development

In tandem with the suggested development envelope for the overall site, protection of the public viewshed is enhanced if development is kept away from the most visible portions of the development envelope. This can be achieved through requiring clustering of allowable development into a building envelop that is a subset of the overall development envelope. For other than a public school use, 10% site coverage remains the maximum. Since there are approximately 98 non-ESHA acres on Area C, this translates into a total of approximately 10 acres of allowed impervious coverage for conditional residential or industrial uses. Since there may be multiple residence and/or industrial uses, some amount of additional landscape and setback area for structures within the building envelope is necessary. Allowing 20% more space to accommodate such needs is reasonable. Therefore, consistent with the coverage limitations, clustered (non-school) development on Area C should be allowed a 12 acre envelope within which all site improvements must take place.

For a public school use, 12 acres of site coverage would be difficult to achieve. In fact, State Department

of Education recommends a minimum of over 17 acres for a high school.[104] The Commission recognizes that a public school is a critical use and the primary objective of the proposed amendment. The school district's existing two high schools, Aptos and Watsonville High Schools are currently overcrowded by 2,000 students.[105] State Department of Education guidelines for a 2,000 student high school recommend approximately 42 acres.[106] Therefore, in light of the need for a public school, and cognizant of the significant coastal resources at stake, a public school use should be allowed a 42 acre building envelope. Since the overall development envelope for the site is approximately 42 acres, the building envelope and the development envelope for a public school on Area C would be coterminous. Modifications 4.A.1 and 4.A.2 provide for such clustering and building envelops for Area C.

Preserving Rural Character

Finally, as noted, the Land Use Plan already mentions visual compatibility with the character of the surrounding area. To ensure that it is clear what this policy direction means, it would be helpful to add a qualifying phrase to ensure that development is subordinate to the rural character of the area (see modification 8.A.1). Also, the Land Use Plan does not contain an explicit height limit. There is an apparent 30 foot height limit in the zoning ordinance, but without a corresponding provision in the Land Use Plan, it could be subject to change. Thirty feet is a reasonable height limit; moreover, with the clustering requirements described above, it is required to avoid unacceptable massing. Therefore, this limit needs to be in the Land Use Plan as well (see modification 4.A.2).

Two policies that address habitat protection concerns also serve to address visual issues. First, night lighting should be the minimum necessary if the rural character of the City's coastal zone is to be maintained. Currently, nighttime in this mostly undeveloped area is characterized by a few scattered lights, but darkness predominates. This is a standard attribute of such rural landscapes. In order to maintain this character, particularly in light of the intensive school use being allowed, night lighting must be strictly limited to avoid introducing glare and visible development into what is now a rural, unlit area. (see modifications 2.A.3 and 4.A.2). Second, landscaping should consist of plantings indigenous to the immediate surrounding area to help evoke the sense of the surrounding rolling rural area (see modifications 2.A.3 and 5.A.5).

Conclusion

Coastal scenic resource protection overlaps and interrelates with each of the issues previously discussed in this staff report. In fact, previously suggested modifications to address growth, agricultural, and ESHA Coastal Act issues, help to also address, and thus are also required by, Coastal Act scenic resource policies (e.g., Area C development envelop). The effect of these combined modifications on the scenic character of Area C (should the site develop with other than agricultural uses) will be to allow a cluster of buildings, with appropriate external design treatments, in one portion of Area C. The remainder of the site

[104] The smallest possible acreage listed per the *School Site Analysis and Development, 1966 Edition*, California Department of Education (September, 1987) is a 17.3 acre site for a high school of up to 400 students.

[105] Figures from the PVUSD Third High School FEIR (September 1998).

[106] Recommended acreage is 41.6 for up to 2,000 students; as shown in *School Site Analysis and Development, 1966 Edition*, California Department of Education (September, 1987)

would stay in open space (agriculture, ESHA and associated buffers). Thus, only through the suggested scenic resource LUP modifications, in concert with all other modifications suggested to alleviate other coastal resource concerns, can the LCP amendment be found consistent with Coastal Act Sections 30251, 30253(2), 30210 and 30211 as discussed in this finding.

2. Modifications to Result in a Certifiable Implementation Plan Amendment

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the land use plan. Since the land use plan is being amended and modified in the manner just described, likewise, the Implementation Plan must be so modified. This means that the Implementation Plan must also contain modifications to ensure that landform alteration is minimized (see modification 8.B.1), that development is clustered (see modification 4.B.2); that landscaping is used to screen the visibility of structures on site (see modification 8.B.1); and that at the rural character is preserved (see modification 8.B.1).

Not only must implementation plans be consistent with the land use plan provisions, they must provide the necessary detail to ensure that the land use plan provisions are carried out. Typically Implementation Plans carry out scenic resource policies in two ways. First, the general height and bulk standards of each zoning district specify maximum development parameters that do not conflict with and help carry out visual policies. Second, a set of design guidelines is typically included.

Height Limit

The existing IP limits development to "2½ stories/30 feet" for Area C. It is not clear from this notation if the "/" in this case is an 'and' or it is an 'or'. It seems evident that the "/" is meant to be an 'and'; otherwise, allowable 2½ story development could be of unlimited height, constrained only by general plan requirements. Modification 4.B.3 provides for explicitly stating that 30 feet is the maximum height for Area C, in order to be consistent with the amended Land Use Plan as modified.

Design Guidelines

The Implementation Plan should contain design guidelines that reflect the standards of the LUP. Modification 8.B.1 achieves this objective.

With regard to implementing landform alteration policies, because a development envelope for Area C cannot by itself minimize landform alteration and associated scenic concerns, avoidance of grading visible from Highway One and/or other coastal zone roads is also necessary. Because "avoidance" is not a prohibition against its visibility, it is necessary to add additional language to require blending of graded contours to achieve a smooth transition with the adjacent natural terrain and to ensure a natural appearance. Unnatural structural elements that would be necessary to maintain graded slopes at artificial contours (such as retaining walls) should not be visible at all from the public viewshed.

With regard to implementing policies to preserve the rural agricultural character of the rolling hill landscape west of Highway One in the City's coastal zone, it is also necessary to provide design guidance. This could be achieved by design standards that address such elements as:

- utilitarian design features;
- roofs pitched above horizontal;
- low-slung buildings separated by open spaces to break up visual massing;
- large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns;
- large structures broken down into smaller building elements (rather than long continuous forms);
- second story building elements setback from the first story exterior;
- exterior finishes that consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding);
- rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar).

Except for the case of future high school development, such design parameters should be easily implemented for any future uses on Area C. In the case of the proposed public school, though, the PVUSD has already made substantial investments in architectural designs and, more important, has had these designs approved by the State Architect prior to the LCP amendment process. Although the Commission would have preferred to see such design standards as those listed above implemented in the case of a public school as well, the Commission also recognizes that requiring such standards might require the PVUSD to undergo a re-approval process from the State Architect. This could result in substantial costs and delays to the project and defeat the purpose of allowing the public school use. Therefore, no design changes that would entail a new approval from the State Architect are required.

Nonetheless, the PVUSD's architect has recently proposed certain design parameters that could be incorporated into the school design while probably not triggering the need for a new review. This includes: using natural tones to color the structures; mixing low pitched hipped and gabled roof forms on certain buildings; and introducing dissimilar materials and possibly window awnings to de-emphasize long building expanses and lines. Similarly, the Commission assumes that changes in the external treatment of structures, such as using earth tones and minimizing reflective glass, can be made without new design approvals from the State. Modification 8.B.1 provides for the incorporation of such design standards.

Also, any signs should be designed to be consistent with the architectural character of the development, designed to be an integral part of the landscape area, and compatible with the character of the surrounding scenic rural lands. Accordingly, plastic should not be used as a sign material and sign illumination, where necessary, should be the minimum required and designed to avoid off-site glare. Modification 8.B.1 provides for such design standards.

Furthermore, any site landscaping should be limited to only native plant species characteristic or indigenous to the immediate surrounding area to help evoke the sense of the surrounding rolling rural area. Such landscaping should include a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, and consistent with a transition to the natural landform. All landscaping should provide for screening vegetation fronting any structures that are visible from Highway

One and/or other coastal zone roads. Modifications 8.B.1 and 4.B.4 provide for such landscape standards.

If so modified in all of the ways outlined here according to the cited modification texts, then the Implementation Plan as amended and as further modified is approved as being consistent with and adequate to carry out the certified Land Use Plan as amended and as further modified with respect to scenic resource policies.

5. Hazards

The Coastal Act provides for minimizing risk to life and property in high hazard areas. Portions of Area C are zones of high liquefaction, slope instability, and under the airport's flight path. The proposed amendment relies on retaining a very general, non-directive hazard avoidance policy. The effect of the proposed amendment will be to allow intensified development on the part of the site that is more prone to hazards. The amendment is thus inconsistent with the Coastal Act in that it fails to be directive to site development where the hazard risks are minimized. A modified amendment can be approved that requires further geological investigation, that moves development off of the less stable slopes, and requires current sign-off from the State Aeronautics Program that the site is safe for a school.

A. Coastal Act Hazards and Public Safety Policies

Coastal Act Section 30252 states in part:

> ***Section 30252.*** *New development shall:*
>
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
>
> *(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

B. Existing and Proposed LCP Hazards and Public Safety Policies

The proposed amendment would allow an intensive public school use to occur in an area with several potential hazards. The current LCP has the following geological and safety policy:

> *Policy II.A.5 Development shall not expose people or property to hazards from landslides, soil expansion or shrinkage, flooding or subsidence, and shall not increase any such hazard which*

may exist in nature. A grading plan and soil stability analysis may be required at the discretion of the City Planning Department for any major construction or grading.

The proposed amendment does not add or modify any provisions to address safety issues.

C. Background: Potentially Hazardous Conditions of the Site

1. Geological Hazards

The site is located in an area subject to geologic, flood, and fire hazard. Significant potential impacts related to geologic conditions on proposed Area F include expansive soils, ground shaking during earthquakes, liquefaction, and slope stability. The main geologic concern is from seismic shaking and to some extent from soils underlain by highly expansive clays and clayey soils. According to the EIR, "due to the presence of groundwater at depths of less than 50 feet, liquefaction should be considered a possibility in the lower-lying portions of the Area C below elevation 50, notably along Harkins Slough Road, along the extension of Hanson Slough on the westerly property line, and along the easterly property line adjacent to the West Brach of Struve Slough.

The developable portion of the site is not subject to flooding but the roads to the site are (Lee Road, Harkins Slough Road at and below the subject site). Harkins Slough Road between Highway One and the current entrance to the subject site is within a designated flood plain of West Branch Struve Slough.

The site will be served by the Watsonville Fire Department.

2. Other Hazardous Conditions

Other potential hazardous aspects of the site include its proximity to the freeway (and a possible future freeway off-ramp) and the resulting noise, hazardous chemicals on the site from previous agricultural use (Phase I and Phase II Environmental Site Analyses (for hazardous materials) have been completed and some clean-up will have to occur), disease transmittal from mosquitos in West Branch Struve Slough, the general, rural, unlit, unsupervised setting of the site. These are not direct Coastal Act hazard concerns, but are issues to address in determining the suitability of the site for new, intensified development under Section 30250.

3. Airport Safety Issues

The site is located approximately one mile from the Watsonville airport. Part of the site is located within the airport's "departing overflight path." On a fall weekday Commission staff witnessed several planes flying over the site within an hour time period. A plane crash on the site could be a safety hazard and cause a fire.

There are specific procedures for selecting school sites near airports, based both on safety and noise. The State's "School Site Selection and Approval Guide" booklet sites "Office of Airports Manual." Basically, this requires consultation with the State Department of Transportation Aeronautics Program. There are

evaluation procedures that must be followed and siting guidelines, but few objective standards for siting. Of most relevance, "if the school site is located within any of the above safety area for a planned or useable runway, or within the missed approach maneuvering area of a published instrument approach within two miles of the airport, the site will, in most cases, be recommended against." A consultation for Area C occurred in 1987. At that time the State Division of Aeronautics evaluated the subject site along with six others. They concluded:

> *Our evaluation of the six proposed school sites revealed that [the subject site is] located within the airport traffic area and considerable overflights would occur and possible overflights during operations involving instrument weather conditions. This potential of overflight with respect to noise and safety would not be compatible with school development . . . [t]he Department does object to purchase of [the subject site] for school purposes.*

Thus, the State Department of Education wrote to the School District that the subject site would not be approvable.

A subsequent evaluation was performed in 1992. At that time the Division of Aeronautics expressed "some reservations regarding" Area C "because of some safety and noise concerns." "[They] recommend that the Pajaro Valley Unified School District explore all alternative sites before considering selection of" Area C. If Area C is selected, "they recommend that steps be taken to minimize outside noise to within 45 decibels inside classrooms." "The Department cannot guarantee the safety of [Area C]". "However, based upon our evaluation of existing conditions and plan[n]ed development" Area C is "considered to provide the level of safety suitable for a school. Therefore, we do not object to the acquisition of these proposed school sites. However, if a site is not acquired by January 31, 1997 another evaluation will be required."

In 1997, the Division of Aeronautics (now called the Aeronautics Program) extended the expiration of their 1992 approval for another five years. They determined that the conclusions of their 1992 evaluation remained valid.

D. Analysis of Consistency with Coastal Act Hazards and Public Safety Policies

1. Introduction: Proposed Amendment's Effect on Hazards and Public Safety

The proposed amendment will allow for more intensive use of Area C which is close enough to the airport to raise some safety concerns. As noted above, the proposed amendment could result in 2200 or more school children possibly being placed in harm's way.

With regard to flooding, the proposed amendment could result in students and teachers being stranded on the site if the roadways leading to and from it are all flooded. The amendment is also likely to result in improvements to Harkins Slough Road, as discussed above. These improvements will require fill within the floodplain of West Branch Struve Slough unless the roadway is replaced by a bridge.

In addition, the proposed amendment would allow the development envelope to intrude in an area of potential liquefaction. This means that any development in that area could sink in the future if not properly engineered. The EIR describes the Watsonville clay, the soil underlying the site, as being highly expansive. As such, expansions and contractions resulting from wetting and drying could lead to disturbance of foundations and retaining walls, and could contribute to problems with slope stability.

2. Airport Safety Needs to Be Guaranteed

Because the proposed amendment only allows for the possibility of a future school on the site, the 1997 Aeronautics approval can not substitute for the need for possible future coordination of the City with the Aeronautics Program of CALTRANS. The Aeronautics Program only approved a generalized area as suitable for a school; it did not review a specific site plan. Given all of the modifications suggested in this report as well as other considerations, the final school layout may well appear different than the layout that the PVUSD has prepared to date, or the general location that was provided to CALTRANS in 1992. Also, it might take PVUSD beyond the 2002 deadline to actually pursue a coastal development permit for a school. Because school siting is so integrally tied to the Aeronautics Program's authority and because safety is a significant issue it would seem at a minimum that the LCP would need at least one policy addressing airport safety compliance concerns.

3. Geologic Hazards Lack Complete Investigation

As noted, the proposed amendment results in a more intensive and expansive development. Of particular concern is that the proposed additional use is a public school, which will be occupied most days by students. While the cited LUP amendment appears to provide sufficient general guidance to address hazards, a review of the planning process that has occurred to date for Area C reveals the inadequacy of this very general policy. Again, as was found in the visual analysis above, it is possible to meet the intent of the policies under the limited amount of development that the LCP currently allows. Under the proposed amendment, though, there is the presumption that the more intensive development can occur. This raises questions about the ability to meet the LUP policy, because opportunities for avoidance of hazards are more limited with the more extensive development possibilities.

One concern is that these policies are not directive enough to have required documentation of the distribution of expansive soils. This should have been undertaken to help site structures in such a way as to minimize disturbance from such soils.

A second concern involves issues related to slope stability, including landslide hazards associated with natural slopes, those associated with grading (cut or filled slopes), and with seismically-triggered instability. Although natural slopes within the site are for the most part relatively gentle, considering the clayey soil and the discontinuities in geologic materials encountered during borings, natural slope failures are a possibility in the steeper portions of the site. Cut and fill slopes steeper than natural slopes will be at greater risks. During an earthquake, seismically-triggered slope failures are also a possibility. no failure analysis was performed and so slope stability cannot be quantitatively assessed. While the flatter northwestern portion of the site will be at least risk, the magnitude of these risks cannot be assessed without a quantitative slope failure analysis. Such an analysis should be based on geotechnical parameters

measured from samples obtained at the site, for both static loads and loads imposed during seismic shaking corresponding to the maximum credible earthquake for the site. Again, the amendment is deficient in not being directive enough to have required such an analysis.

This leads to another inadequacy in the policy. It simply states that development *may* have to avoid hazardous areas. The EIR for the proposed high school indicates that soils are less clayey and more sandy (i.e., less expansive) in the western portion of proposed Area F. The site does not lie within an Alquist-Priolo Fault Zone, and no know active or potentially active faults cross the site, so the probability of surface rupture is low. Nevertheless, because the site is located in close proximity to several active faults, it will almost certainly be subject to strong ground shaking during its expected economic lifetime, and will need to be constructed to resist strong lateral motions. The Watsonville area has had severe problems with liquefaction during previous earthquakes, most notably the Loma Prieta Earthquake in 1989. The lowland areas at the bottoms of sloughs are most susceptible, although liquefaction could also occur on more hilly terrain underlain by poorly consolidated material if the local water table is near the surface at the time of ground shaking. The areas least susceptible to liquefaction are the flat, well-drained areas underlain by sandy marine terrace deposits, such as the highest (northwestern) portion of the site. The most desirable portion for development is the flat upland in the northwestern portion of the site; here hazards associated with liquefaction, slope failure, and expansive soils are at a minimum, and grading could be kept to a minimum. The proposed amendment is not written in such a directive manner, but rather it is permissive as to future development locations.

Finally, all other Coastal Act issues aside, these findings require a development envelope different than the one that the amendment provides for, which may result in an internal inconsistency within the land use plan.

4. Flood Hazards Unresolved

A similar analysis also applies to flood hazards in that the City policy is too general to direct siting of an important use, such as a school, to an area whose access would not be compromised because of flooding. The Department of Education site approval was simply conditioned to encourage the District to provide school access via road that is not in a 100-year flood zone[107]. And the EIR for the school simply directs compliance with all applicable guidelines listed in the City's Flood Damage Prevention Ordinance and the National Flood Insurance Program. The first part of this mitigation is not relevant in that the road crossing is under the County's jurisdiction.

As noted, the amendment is likely to lead to development that will require improvements of Harkins Slough Road over West Branch Struve Slough. There are no Santa Cruz County flood policies that specifically mention roads. However, the County Code prohibits more than 50 cubic yards of fill within a floodplain. Thus, the results of the amendment may lead to a conflict with governing County local coastal program provisions.

5. Coastal Act Consistency Conclusion

Land Use Plan Amendment Inconsistent with the Coastal Act

In conclusion the proposed amendment contains no safety standards with regard to impacts from the airport while proposing greatly intensified public site use. It also contains only weak standards with regard to geologic hazard issues. This amendment must be judged on its adequacy to provide standards for

[107] Department of Education letter, Oct. 26, 1999.

any future development proposal on the subject site. In the absence of any such safety provisions the amendment can not be found consistent with the Coastal Act and therefore must be denied.

Implementation Plan Amendment Inconsistent with the Land Use Plan

A similar analysis applies to the proposed Implementation Plan amendment. Implementation provisions often contain more detail than land use plans. But in this case, the Implementation Plan does not address about airport safety. Since the proposed Implementation Plan amendment provides for increased intensities of use (in a potentially hazardous area) and since the corresponding Land Use Plan provisions are being denied, the proposed Implementation Plan amendments must be denied, because they are inconsistent with the certified Land Use Plan.

E. Modifications Required to Achieve Coastal Act Hazards and Public Safety Conformance

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

The following modifications to the Land Use Plan and corresponding Implementation Plan are required:

The modifications to protect and buffer Hanson Slough and the adjacent agricultural land may also prove to be a safety benefit as this portion of the site is in the airport flight overfly zone. Furthermore, this area is the most geologically problematic and so the modification also helps carry out Coastal Act geological hazard policies.

The modifications for habitat protection purposes to require that further evaluation of access to the site occurs will also serve to address the flood hazard issue. The alternative of using West Airport Boulevard would result in an access route that is not subject to flooding. The modification to pursue a bridge over West Branch Struve Slough if Harkins Slough Road is improved will also be a means to avoid filling the floodplain.

Additionally, in order to ensure safety, the City should require that as a condition of coastal development permit approval of any public school on the subject site, the applicant must provide evidence of current approval from the State Aeronautics Program (see modification 4.A.2). Any approval that has a past expiration date must be re-affirmed by the Division. Any mitigation measures that are recommended to address safety must be made conditions of the coastal permit approval.

It is only through the suggested hazard and public safety LUP modifications, in concert with all other modifications suggested to alleviate other coastal resource concerns, that the proposed LUP amendment (as modified), which allows significant public school development on Area C, can be found consistent with Coastal Act Section 30253 as discussed. Likewise, it is only through the suggested hazard and public safety IP modifications, in concert with all other modifications suggested to alleviate other coastal resource concerns, that the IP can be found consistent with and adequate to carry out amended LUP hazard

and public safety policies.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

In this case, there has been no environmental document that addresses the full extent of the proposed amendment. As described in Sections 1 and 2 of this staff report, apart from the addition of the public school use, the proposed amendment allows an intensification of use in three general categories (residential, recreational, and industrial) and in over 50 subcategories. The analysis in this report concludes that there are several Coastal Act inconsistencies with such intensifications and therefore that none are authorized. Therefore, no CEQA conclusion is necessary with regard to those aspects of the proposed amendment.

With regard to that portion of the proposed amendment that allows the new public school use (and at the intensified level), there has been an EIR prepared for a specific project, the proposed high school, as described in Section 2 of this report. The project examined in the EIR is not quite the most intensive public school use that could be allowed on Area C under the proposed LCP amendment, but it is close enough to be representative of the impacts that would result from this portion of the proposed amendment. The EIR does not, however, comprehensively address environmental issues. For example, a comparison of the Coastal Commission staff's comment letter of August 5, 1998 and the responses listed in the Final EIR reveals several issues that are not fully resolved. This is exemplified in the detail and recommendations of this report.

In conclusion the proposed amendment as submitted with respect to allowing a public school use does not represent the least environmentally damaging feasible alternative. However, this deficiency can be corrected if the City of Watsonville adopts all of the Commission's Suggested Modifications. These modifications accomplish two objectives. First, they require that the City find that there are no feasible alternative sites for whatever public school is being applied for. Second, if that finding is made, they require that several standards be applied to the approval of a specific coastal permit for a school in order to mitigate all of the adverse environmental impacts identified. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

4. Staff Recommendation and Suggested Modifications

A. Staff Recommendation

Staff recommends that the Commission, after public hearing, **approve, only if modified** the proposed amendment. The Commission needs to make 4 separate motions in order to act on this recommendation.

1. Denial of Land Use Plan Major Amendment # 1-99 as Submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. *I move that the Commission* ***certify*** *Major Amendment #1-99 to the City of Watsonville Land Use Plan as submitted by the City of Watsonville.*

Resolution to Deny. *The Commission hereby* ***denies*** *Major Amendment #1-99 to the City of Watsonville Land Use Plan as submitted by the City of Watsonville and adopts the findings set forth in this staff report on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Land Use Plan Amendment may have on the environment.*

2. Denial of Implementation Plan Major Amendment # 1-99 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of Implementation Program amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. *I move that the Commission* ***reject*** *Major Amendment #1-99 to the City of Watsonville Local Coastal Program Implementation Plan as submitted.*

Resolution to Deny. *The Commission hereby* ***denies*** *certification of Major Amendment #1-99 to the City of Watsonville Local Coastal Program Implementation Plan as submitted by the City of Watsonville and adopts the findings set forth in this staff report on the grounds that, as*

submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

3. Approval of Land Use Plan Major Amendment # 1-99 if Modified

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the Land Use Plan amendment with suggested modifications and adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion. *I move that the Commission* ***certify*** *Major Amendment #1-99 to the City of Watsonville Land Use Plan if it is modified as suggested in this staff report.*

Resolution to Certify with Suggested Modifications. *The Commission hereby* ***certifies*** *Major Amendment #1-99 to the City of Watsonville Land Use Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.*

4. Approval of Implementation Plan Major Amendment # 1-99 if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. *I move that the Commission* ***certify*** *Major Amendment #1-99 to the City of Watsonville Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.*

Resolution to Certify with Suggested Modifications. *The Commission hereby* ***certifies*** *Major Amendment #1-99 to the City of Watsonville Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that,*

as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

B. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act and Land Use Plan consistency findings. If the City of Watsonville accepts each of the suggested modifications within six months of Commission action, by formal resolution of the City Council, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

Note: Where applicable, text in *italics* below represents current LCP text. Underlined text is additional text to be inserted into the LCP and ~~strikethrough~~ text is text to be deleted from the LCP.

LCP Framing Modifications

Mod 1. Retain Existing Configuration of Area C

Retain existing Area C as shown on Land Use Plan Figure 1. Do not segment Area C into two planning areas as proposed by the City in LCP Amendment Component 1. One set of standards, as revised by these modifications, shall apply within Area C. Because Area C is not to be segmented into two areas, City-proposed LCP Amendment Components 1, 4, 5, 6, 7, and 8 (which would have applied to new Area F in the Land Use Plan) and LCP Amendment Components 9, 10, 11, 12, 13, 14, 15, 16, and 17 (which would have applied to new Area F in the Implementation Plan) shall be deleted as submitted. Where relevant, the

intent of these proposed amendment components, as modified to ensure Coastal Act and/or Land Use Plan consistency, are otherwise incorporated into these modifications.

Mod 2. Define New Coastal Area R – Highway One and Local Street Right-of-Ways

Explicitly identify the Highway One right-of-way, and the other local street right-of-ways, within the City's coastal zone as Area R to ensure the applicability of the LCP throughout the coastal zone. Update the Land Use Plan to take into account the fact that the Implementation Plan has since been adopted by the Coastal Commission, and to clarify the LCP's current relationship to the City's General Plan.

A. Land Use Plan Modifications

(1) Revise LUP Figure 1 by adding Area R as shown in Staff Report Figure 14.

(2) Modify LUP Section I ("Introduction") as follows:

This Land Use Plan (LUP) is a section of the Watsonville Local Coastal Program (LCP). It contains policies ~~which, when~~ that have been adopted by the City Council and certified by the California Coastal Commission~~, will control the~~ to ensure carefully planned development, consistent with coastal resource protection, of lands lying within the ~~five~~ six areas where the Watsonville city limits overlap the Coastal Zone~~, as defined by State law~~. (See Figure~~.~~ 1) These ~~policy statements~~ policies have important relationships with the Watsonville General Plan and Zoning Ordinance, with the State Coastal Act, and with the plans of individual property owners, which are summarized in the following paragraphs.

Relationship to Watsonville General Plan and Zoning Ordinance

The Watsonville Local Coastal Program (LCP) ~~will~~ consists of this LUP plus the ~~appropriate~~ zoning ~~amendments and any other implementing~~ ordinances and zoning maps contained in the adopted Local Coastal Program Implementation Plan (IP). ~~When adopted, t~~The LCP ~~will become~~ is an element of the Watsonville General Plan. However, the policies of the LCP take precedence over General Plan policies for property located in the coastal zone. ~~LUP can be certified separately by the State. Once the LUP is certified, the City may adopt procedures to grant Coastal Development Permits for development in the Coastal Zone consistent with the LUP. (Until the LUP is certified, such permits can only be granted by the California Coastal Commission.) The remainder of the LCP, consisting of implementing ordinances, can then be prepared, adopted by the City and submitted for State certification.~~*

Relationship to the California Coastal Act of 1976

~~In order to be certified by the State, t~~This LUP ~~must be~~ has been found by the California Coastal Commission to be consistent with the Coastal Act and ~~must be~~ sufficiently specific to carry out its policies as they affect the portion of the Coastal Zone within Watsonville's city limits. The LUP translates the broad Coastal Act policies into specific City policies which reflect local conditions and local priorities as established by the Planning Commission and City Council after public hearings and deliberations. The relationship of each policy to the Coastal Act is discussed in the

text. All Coastal Act policies are addressed, with the exception of a few policies which are not applicable due to the properties' small size, physical isolation, and distance from the shoreline. A table of Coastal Act policies is given in Appendix A.

…

Organization of this document
The next two sections of this document present the land use policies of the LCP. To minimize repetition, policies which apply to all five areas and the Highway One and local street right-of-ways are given in Section II and additional policies which apply only to a single area are given in Section III.

(3) Add new Area R-specific Policies to Section III ("Policies Affecting Specific Areas") as follows:

AREA R

R.1 Permitted Uses
Transportation (Existing), Agriculture, Wetlands

R.2 Conditional Uses
a. Transportation (Expansion)
b. Utilities

R.3 Performance Standards for All Development

(a) New off-ramps from Highway One shall be prohibited if designed to relieve congestion generated by public school development on Area C.

(b) New off-ramps from Highway One and/or additional road capacity for any roads, offramps, or overpasses within this district (e.g., Ramport Road, Airport Boulevard off-ramp, Main Street, Harkins Slough Road overpass) shall be prohibited unless all of the following have occurred:

(i) A traffic study has been completed by a qualified transportation engineer demonstrating that there exists a severe congestion problem inland of Highway One (e.g., level of Service D at peak periods) that cannot be solved by other feasible means (including but not limited to modifying traffic signal timing and alternative transportation measures) other than the new off-ramp or road widening project;

(ii) The project includes pedestrian, bicycle, and transit components, except in the case of offramp improvements only; and

(iii) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One.

(c) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent

impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program that preserves sensitive habitat values and minimizes human disturbance.

(d) Except for the ESHA east of the farm road on Area C, all development shall be set back a minimum of 100 feet from any environmentally sensitive habitat area. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

(e) All development shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers. Adequate screening (through plantings, soil berms, and/or solid wood fences) located outside of the environmentally sensitive habitat areas and their buffers shall be required to limit degradation of habitat and buffer areas, and to ensure that the amount noise, lights, glare, and activity visible and/or audible in these areas are minimized.

(f) All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such buffer areas.

B. Implementation Plan Modifications

(1) Modify IP Section 9-5.702 ("Districts") as follows:

The CZ District shall be subdivided into ~~five (5)~~ six (6) areas identified in the official Coastal Land Use Plan for the City hereafter referred to as the Coastal LUP. On the City Zoning Map the lands shall be designated as follows:

(a) Area A designated CZ-A

(b) Area B designated CZ-B

(c) Area C designated CZ-C

(d) Area D designated CZ-D

(e) Area E designated CZ-E

(f) Area R designated CZ-R (Highway One and local street right-of-ways)

(2) Add the following text to IP Section 9-5.703 ("Principal Permitted Uses"):

(f) Zone R

DLU 4321 Streets, local (improvements within the existing roadway prism)

DLU 4324 Freeways (improvements within the existing roadway prism)

DLU 89 Public and Quasi-public open space

(3) Add the following text to IP Section 9-5.704 ("Conditional Uses"):

(f) Zone R

DLU 4321 Streets, local (improvements beyond the existing roadway prism)

DLU 4324 Freeways (improvements beyond the existing roadway prism)

DLU 47 Utilities, Right of way

(4) Add the following text to IP Section 9-5.705 ("Regulations"):

(r) Zone R - Performance Standards

(1) New off-ramps from Highway One shall be prohibited if designed to relieve congestion generated by public school development on Area C.

(2) New off-ramps from Highway One and/or additional road capacity for any roads, offramps, or overpasses within this district (e.g., Ramport Road, Airport Boulevard off-ramp, Main Street, Harkins Slough Road overpass) shall be prohibited unless all of the following have occurred:

(a) A traffic study has been completed by a qualified transportation engineer demonstrating that there exists a severe congestion problem inland of Highway One (e.g., level of Service D at peak periods) that cannot be solved by other feasible means (including but not limited to modifying traffic signal timing and alternative transportation measures) other than the new off-ramp or road widening project;

(b) The project includes pedestrian, bicycle, and transit components, except in the case of offramp improvements only; and

(c) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One.

(3) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program that preserves sensitive habitat values and minimizes human disturbance.

(4) Except for the ESHA east of the farm road on Area C, all development shall be set back a minimum of 100 feet from any environmentally sensitive habitat area. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a

visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

(5) All development shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers. Adequate screening (through plantings, soil berms, and/or solid wood fences) located outside of the environmentally sensitive habitat areas and their buffers shall be required to limit degradation of habitat and buffer areas, and to ensure that the amount noise, lights, glare, and activity visible and/or audible in these areas are minimized.

(6) All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such areas pursuant to Section 9-5.705(f)(5).

(5) Modify IP Section 9-5.705 (f)("All Zones, A through E – Performance Standards") as follows:

(f) All Zones, A through ~~E~~ R – Performance Standards. …

(6) Revise City of Watsonville Zoning Map by adding CZ-R district as shown in Staff Report Figure 14.

Area B-Specific Modifications

Mod 3. Extension of Wastewater and Water Utilities at One Coastal Zone Location

Allow the extension of water and wastewater utilities at only one location in the City's coastal zone. Such action serves to address cumulative growth-inducing effects of the proposed amendment on Area B, and to ensure that the effects of multiple service extensions do not conflict with Coastal Act policies.

A. Land Use Plan Modifications

(1) Modify LUP Section III.B.4 ("Criteria for Visitor-Serving Commercial Development") as follows:

Visitor serving commercial use may be approved only if it is demonstrated that (a) public sewer and water services, if necessary, can and will be provided to the site, and only if such services are: (1) the minimum size necessary to serve the permitted development; and (2) provided by only one City sewer and water line under Highway One north of Beach Road (i.e., this connection must be shared by any development on Area C that also is allowed public sewer and/or water service); and (b) the proposed facility could not be located in an existing developed area and continued or renewed agricultural use is not feasible.

B. Implementation Plan Modifications

(1) Modify IP Section 9-5.705(b)(4)(b) ("Zone B - Performance Standards") as follows:

That public sewer and water services, if necessary, can and will be provided to the site, and

only if such services are: (1) the minimum size necessary to serve the permitted development; (2) provided by only one City sewer and water line under Highway One north of Beach Road (i.e., this connection must be shared by any development on Area C that also is allowed public sewer and/or water service) and (3) applied for as specified in Section 9-5.705(f)(10);

Area C-Specific Modifications

Mod 4. Allow Public School on Area C as Conditional Use

Allow for a public school in Area C under specific circumstances with specific mitigations. Amend the Land Use Plan and the Implementation Plan to: (1) allow for a public school as a conditional use; (2) allow an increase in impervious surface coverage and development on isolated steep slopes only for a public school that meets special criteria; (3) modify performance standards to define a development envelope for Area C; and (4) modify findings and criteria for any non-agricultural use.

A. Land Use Plan Modifications

(1) Replace the Area C portion of existing Land Use Plan Figure 2 with the Area C diagram shown on Figure 15 of this staff report.

(2) Modify LUP Section III ("Policies Affecting Specific Areas") as follows:

AREA C

C.1 Permitted Uses
Passive recreation; Agriculture; Aquaculture

C.2 Conditional Uses
a. Residential, subject to C.4
b. Light non-nuisance industrial park (not including outside storage), subject to C.4
c. Public schools until January 1, 2010; after January 1, 2010, public schools are not a conditional use unless they are already constructed; subject to C.4 and C.5

C.3 Performance Standards for All Development
a. Environmentally sensitive habitat areas must be kept in a natural state and protected from the incursion of humans, domestic animals and livestock, from erosion, sedimentation and contaminated runoffs and from loud noise or vehicular traffic. Peat harvesting is permitted within such areas, provided such activity does not significantly degrade those areas and is compatible with habitat preservation, and grazing of presently grazed areas may be continued but not expanded, but discing, harrowing and all structures are prohibited. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program which preserves sensitive habitat values and minimizes human disturbance. All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such buffer areas. Land in environmentally sensitive habitat areas must be excluded from

calculation of ~~lot size for number of units~~ density and allowable impervious surface area.

b. *~~Minimum Lot~~ Density for Conditional Residential Use: 5 (non-habitat) acres per housing unit; any subdivision or residential use beyond one unit per existing parcel is allowed only pursuant to a specific plan pursuant to Policy III.C.3.n*

c. *Minimum Lot for Conditional Industrial Use: ~~15 acres~~ 20,000 sq. ft; pursuant to a specific plan, pursuant to Policy III.C.3.n*

d. *Maximum Impervious Surface Area: 10% of lot area~~;~~ or up to 25% of lot area for a public school only (subject to LUP Policy III.C.2.c), subject to C.5; "lot area" means gross parcel acreage minus acreage of wetland, riparian habitat, and other environmentally sensitive habitat areas within the gross parcel acreage. Vehicular parking areas shall be minimized.*

e. *Minimum setback for all development or agricultural activity from Riparian Habitat: ~~50'~~ 100'; from Wetland or Transitional Zone: 100' or to the edge of the development envelop depicted on LUP Figure 2, whichever is greater. Appropriate ~~tall~~ native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a dense visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas ~~eucalyptus or~~ native upland species are appropriate.*

f. *Maximum Slope of Developed Portion of Lot (Before Grading): 15 feet in any 100 foot interval, except for isolated areas of slopes greater than 15% within the development envelop shown on LUP Figure 2 and if required for construction of a public school only (subject to LUP Policy III.C.2.c).*

g. *There is a possibility that specimens of the endangered Santa Cruz Tarweed exist in Area C. Prior to approval of any development, a field search for this plant shall be conducted by a qualified botanist on the lot(s) in question during the tire of year in which the plant is expected to be in bloom.*

h. *Approved erosion control measures must be utilized during construction. No excavation or grading shall be permitted during the months of October through March. All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation.*

i. *Prior to the approval of any development relying upon a septic tank or other on-site system, a specific design must be submitted supported by an engineering analysis by a licensed soils engineer which demonstrates both sufficient separation between leaching fields and winter groundwater levels to ensure that no degradation of groundwater quality will occur. Any approval of a septic tank or other on-site system must also be conditional upon compliance with any waste discharge requirements established for that system by the Regional Water*

Quality Control Board.

j. The City should work with the Wildlife Conservation Board, the Nature Conservancy, and other agencies to promote public or foundation acquisition of the upper half of the West Branch of Struve Slough in order to allow a greater degree of resource protection than is possible under private ownership.

k. Any development in a streambed must be conditional upon execution of and compliance with an Agreement ("1603 Agreement") with the California Department of Fish and Game under the requirements of Sections 1601-1603 of the California Public Resources Code.

l. Service Systems. Sewer service will probably not be required if the site is developed at the recommended densities and a septic tank system is proven feasible. ~~If~~ Sewer (only for a public school, subject to LUP Policy III.C.2.c) and/or potable water service ~~is provided~~, may be provided only if all of the following circumstances apply to such utility(ies):

(1) ~~It must~~ They shall be financed in a way which does not require nor involve assessments against or contributions from properties along Lee Road outside of Area C, or against any agricultural property;

(2) They shall be the minimum size pipes, pumps, and any other facility(ies) necessary to accommodate the permitted use, and evidence is provided from a licensed civil engineer indicating that this is the case;

(3) They shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site;

(4) They shall incorporate dedication of a one-foot or greater non-access easement surrounding the parcel served by the utility(ies) across which extensions of sewer service and potable water are prohibited; the non-access easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement).

(5) The wastewater connection shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road;

(6) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One;

(7) Adequate capacity is available to serve the site; for water, the result shall not be a worsening of the groundwater overdraft situation; and

(8) They must be placed within the City of Watsonville City Limits, unless all of the following occur: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the line through the

County is found consistent with the County local coastal program and have received an appealable County coastal permit; and (4) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.

m. *Phasing of Development. It is anticipated that market forces and development costs will delay development of this area until after the infilling of comparable lands east of Highway 1.*

n. Area C is designated as a Special Study Area where all development, including subdivision or lot line adjustment, other than one residence per existing parcel is subject to a specific plan. The Specific Plan shall:

(1) Allow for non agricultural development only on the parcel(s) or portion(s) of parcel(s) found infeasible for continued or renewed agricultural use under policy III.C.4 and only within the development envelope shown on LUP Figure 2;

(2) Delineate a maximum building envelope of 8 acres within the development envelope shown on LUP Figure 2 that is found infeasible for continued or renewed agricultural use;

(3) Within the maximum building envelope, the maximum impervious surface coverage is 7 acres; the remaining 1 or more acres is for landscaping and other pervious surface uses;

(4) Allow for subdivision for residential purposes resulting in lots as small as one acre (minimum size for septic systems); provided that there is a maximum of 15 residences permitted;

(5) Allow for portions of residential parcels to extend beyond the 8 acre maximum building envelope, provided that any such portions are restricted to agricultural uses or comprise the 200 foot agricultural buffer;

(6) Allow for resubdivision of existing parcels which is encouraged to better meet these objectives;

(7) Not allow any subdivision or other adjustment of parcel lines that cannot accommodate development consistent with Area C performance standards unless the parcel is permanently protected and dedicated to agriculture or another open space use;

(8) Comply with all standards for development of Area C.

o. If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Reserve, unless an environmentally superior alternative to a bridge is identified; fill of any portion of the West Branch of Struve Slough is prohibited. Any Harkins Slough Road

improvements at the Hanson Slough crossing shall provide adequate culverts to ensure habitat connectivity. Development shall be designed to minimize the extent of any such Harkins Slough Road improvements; improvements not necessary to serve the permitted development are prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough; night lighting is prohibited.

p. All development associated with Area C within unincorporated Santa Cruz County shall have a valid County Coastal Development Permit before any City Coastal Development Permit can be exercised.

q. All non-agricultural development on Area C shall be clustered within a building envelope no larger than 8 contiguous acres, with the exception that a public school (subject to LUP Policy III.C.2.c) shall be located within a building envelope no larger than 42 contiguous acres. If residential use (one residence) is proposed on a parcel in the absence of a specific plan, then it shall be located in a manner that would allow one house on each remaining parcel to be located within a 8 acre contiguous building envelope.

r. All development, other than habitat restoration activities, shall be restricted to the development envelope shown on LUP Figure 2.

s. The maximum height of any development shall be 30 feet as measured from finished grade.

C.4 Criteria for Non-Agricultural Use

Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist. Other non-agricultural use may be permitted only if continued or renewed agricultural use is demonstrated to be infeasible because it cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. If agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural use may be permitted only if renewed agricultural use is not feasible. An exception to making this finding may only be made to allow a public school (subject to LUP Policy III.C.2.c). Non-agricultural development within Area C shall not be allowed unless a Specific Plan (see LUP Policy III.C.3.n) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on LUP Figure 2 and outside of the building envelope pursuant to C.3.q; and ensures that all plan policies will be met. Any non-agricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County.

C.5 Criteria for an Increase in Impervious Surface Coverage and Development on Slopes

An increase in impervious surface coverage (up to 18 acres of that portion of Area C within the development envelope defined in LUP Figure 2) and development on isolated areas of slopes greater than 15% (within the development envelop shown on LUP Figure 2) on Area C may be

allowed for a public school (subject to LUP Policy III.C.2.c) only if: (a) the following findings are made; and (b) the following mitigation measures are included as enforceable conditions of any coastal development permit granted for a public school:

a. Required Findings:

(1) The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district to serve existing and projected student populations and to meet State School Sizing Criteria;

(2) There is no feasible alternative location;

(3) The siting clusters the school as much as possible to leave as much of the non-habitat part of the site available for continued agriculture;

(4) The California Department of Transportation Aeronautics Program has determined that all areas proposed for development on the site are safe for siting public school facilities; and

(5) The design is evocative of, and designed to be compatible with, the rural agricultural character of the surrounding rolling hill landscape.

b. Required Coastal Development Permit Conditions:

(1) The public school shall include: (a) an environmental stewardship program, with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough on Area C for students to conduct supervised environmental restoration; and (b) a sustainable agricultural education component (e.g., similar to that at Watsonville High School) that may include some agricultural study plots on site;

(2) There shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site;

(3) The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of Policy C.3.a. above and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture). The plan shall be submitted and approved by the City prior to issuance of the coastal development permit. The Applicant shall post a bond with the City of sufficient amount to provide for all environmental enhancements and all mitigation measures that are identified in any final environmental document(s) certified for the project;

(4) There shall be screening between habitat and areas with human activity so that such areas shall not be visible from any vantage point within environmentally sensitive habitat areas;

(5) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff

from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;

(6) Any land on Area C in excess of that consistent with the required findings above shall be used only for agricultural purposes with the 200 foot buffer from the school and the fields adjusted accordingly. If the land is purchased by a school district, the district must present a binding agreement to offer the excess land for agricultural use at no greater than fair market rents. Legal access must be provided to any remainder agricultural parcel, without any restrictions as to the farm employees' use;

(7) Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields;

(8) The permittee shall record a deed restriction or an open space/conservation easement that provides that all agricultural and ESHA areas and their buffers shall be permanently maintained and protected. All agricultural and ESHA areas and their buffers shall be offered to appropriate resource management agencies and/or non-profit organizations along with sufficient funding to implement any mitigations or conditional requirements applicable to these areas;

(9) An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction on the property;

(10) Any event at the school that exceeds the maximum permitted student and employee capacity of the school, and/or that may adversely affect adjacent habitat areas, shall require a coastal development permit and shall be subject to all Area C performance standards;

(11) There shall be a landscaping and grounds maintenance plan that provides for minimizing the use of pesticides, herbicides, and fertilizers, and protecting against adverse impacts associated with them. Such plan shall be submitted for the review and approval of the City. Pesticides and herbicides shall only be used if there is a documented problem and not on a regular preventative schedule, and shall not be applied if rain is expected. Non-chemical fertilizers are preferred. The least toxic alternatives, and the minimum necessary for the problem, shall be used in any case. The landscaping and grounds maintenance plan shall include nutrient control parameters; and

(12) All mitigation measures that are identified in any final environmental document(s) certified for the project shall be incorporated as conditions of approval. In the event that any such mitigation measures are in conflict with these required conditions and/or with any Area C or other LCP performance standards, then the conflicting portion of any such mitigation measure shall not be incorporated as a condition of approval.

Relation to Coastal Act: Area C contains two wetlands, as defined by the Coastal Commission, and a small area of riparian habitat. All three should be regarded as environmentally sensitive habitat areas requiring special protection under Sections 30231 and 30233. Section 30231 of the Coastal Act requires the maintenance and, where feasible, restoration of water quality by minimizing the adverse effects of wastewater discharge, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas which protect riparian habitats, and minimizing the alteration of natural streams. Buffer areas are~~a~~ also required under Section 30240(b).

Effect on Development: The foregoing requirements will cluster development within the high, gently sloping terrace which runs along the middle of Area C where it can do the least damage to the low-lying environmentally sensitive areas, and protect the sensitive areas with buffer areas and dense planting. The large lot sizes are intended to limit the populations of people and domestic animals in close proximity with the sensitive habitats, and to allow the provision of adequately-sized septic tank leaching fields. The small maximum percentage of impervious ground water cover is intended to minimize the disruption of groundwater recharge and to avoid erosion problems due to channelization of runoff. Utility systems are encouraged not to be extended along the Lee Road from Area C in order to avoid growth-including impacts on the west side of the road. (The east side is within the State Wildlife Conservation Board acquisition.) Any public school development (subject to LUP Policy III.C.2.c) will likewise be clustered on the gently sloping terrace area at the center of Area C where it can best be hidden from the public viewshed and where its impact on adjacent agriculture and environmentally sensitive habitat can be minimized.

B. Implementation Plan Modifications

(1) Modify IP Section 9-5.704(c) ("Conditional Uses") as follows:

(c) Zone C

DLU 01 Single family residence

DLU 1282 Industrial machinery, equipment, and supplies – wholesale

DLU 19 Industrial nonmanufacturing, miscellaneous

DLU 3565 Industrial pattern makers

DLU 4213 Industrial truck services

DLU 432 Highway right-of-way (within existing roadway area)

DLU 71 Public schools until January 1, 2010; after January 1, 2010, public schools are not a conditional use unless they are already constructed; subject to section 9-5.705(c)

Also, any of the principal permitted uses of the IP-Industrial Park District, as of August 30, 1985, subject to the regulation of both districts, except that the height, setback and other standards of the IP district shall not supercede any of these Coastal zone regulations.

(2) Modify IP Section 9-5.705(c) ("Zone C – Performance Standards") as follows:

(1) Minimum Lot Area and Dimensions

Area per housing unit (density)	*5 acres*
Lot area per housing unit	*1 acre (see Section 9-5.705(c)(4)(h))*
Area for industrial use	*~~15 acres~~ 20,000 sq. ft.*
Frontage	*~~330~~ 100 feet*

Any development on Area C, other than habitat restoration activities, shall be confined to the development envelope shown in Land Use Plan Figure 2. All non-agricultural development on Area C shall be clustered within a building envelope no larger than 8 contiguous acres, with the exception that a public school (subject to Section 9-5.704(c)) shall be located within a building envelope no larger than 42 contiguous acres. [exclude wetland, riparian habitat, and other environmentally sensitive habitat areas from development envelope and density calculations]

(2) Minimum Yard Setbacks

Front:	*20 feet*
Interior Side:	*5 feet*
Rear:	*20 feet*

Riparian Habitat: ~~50~~ 100 feet

Wetland or Transitional Zone: 100 feet

Hanson Slough: top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2

West Branch of Struve Slough: top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2

(3) Maximum Building Height and Lot Coverage

Lot coverage by impervious surface: 10%, or up to 25% for a public school only (subject to Section 9-5.704(c)), subject to Section 9-5.705(c)(5). Vehicular parking areas shall be minimized.

Height: ~~2½ stories/~~30 feet as measured from finished grade, subject to Section 9-5.705(f)(3).

[exclude wetland, riparian habitat, and other environmentally sensitive habitat areas from gross parcel acreage for purposes of calculating maximum impervious surface coverage]

(3) Modify IP Section 9-5.705(c)(4) ("Special Conditions and Findings Required for Issuing a Special Use Permit") as follows:

(4) Special Conditions and Findings Required for Issuing a Special Use Permit and/or Coastal Permit:

(a) Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist pursuant to Section 9-5.705(f)(4). For other non-agricultural use an Agricultural Viability Report must be~~en~~ prepared and must have concluded ~~which indicates~~ that continued agricultural use is demonstrated to be infeasible pursuant to Section 9-

5.815. If agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural use may be permitted only if renewed agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815. An exception to making this finding may only be made to allow a public school (subject to Section 9-5.704(c)). Non-agricultural development within Area C shall not be allowed unless a Specific Plan (see Section 9-5.705(c)(4)(o)) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on LUP Figure 2 and outside of the building envelope pursuant to Section 9-5.705(c)(1); and ensures that all plan policies will be met. Any non-agricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County.

(b) Environmentally sensitive habitat areas must be kept in a natural state and protected from intrusion of humans, domestic animals and livestock (including but not limited to adequate screening to block noise, glare, lights and visibility associated with same), from erosion, sedimentation and contaminated runoff, and from loud noise or vehicular traffic. Any development activity that alters drainage patterns to the portion of Hanson Slough at the southwestern corner of Area C shall provide for restoration of this portion of Hanson Slough to a functional wetland; this shall be provided for in a Biological Restoration Plan (Section 9-5.705(f)(4)). All environmentally sensitive habitat areas shall be buffered. There is one ESHA and at least 3 ESHA buffer areas on Area C as depicted on Land Use Plan Figure 2; the following ESHA and buffering requirements shall be provided for by the Biological Restoration Plan (Section 9-5.705(f)(4)) as follows:

(1) For the ESHA area located between the top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2 and the West Branch of Struve Slough: Within this ESHA, invasive exotics shall be removed and appropriate native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. A weed control plan shall be implemented to increase native plant coverage. The unimproved accessways in this area shall not be improved, and, preferably, shall be removed and revegetated. No other uses shall be allowed in this area with the exception of one area of utility crossing (i.e., one wastewater pipeline, one potable water pipeline, and associated infrastructure) provided that these utilities are otherwise allowed by this ordinance. Any such area shall be the minimum width necessary to accommodate the utilities;

(2) For the buffer area located between the top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2 and Hanson Slough. Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Passive recreation (such as a pedestrian trail), supervised education and active wetland restoration and research activities are allowed in this buffer;

(3) For the 100 foot buffer area around the Hanson Slough riparian area located along the western boundary of Area C. Within this buffer, invasive exotics shall be removed and

native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted; and

(4) For the area along Harkins Slough Road east of Lee Road that acts as a buffer to the California Department of Fish and Game Ecological Preserve. Within this buffer, invasive exotics shall be removed and native trees, shrubs and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Within this buffer, one access road of the minimum width necessary to accommodate the permitted use shall be allowed if otherwise allowed by this ordinance.

All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions, open space/conservation easements, or other such legal instruments shall be required for such buffer areas.

(c) Maximum slope of developed portion of-lot (before grading): 15% except for isolated areas of slopes greater than 15% within the development envelope shown on Land Use Plan Figure 2 and if required for construction of a public school only (subject to Section 9-5.704(c)), subject to Section 9-5.705(c)(5).

(d) A field search for the endangered Santa Cruz Tarweed shall be conducted by a qualified botanist during the time of year in which the plant is expected to be in bloom (between June and October) on the lot(s) in question before approval of any development. The report of such field investigation shall be forwarded to the California Department of Fish and Game for evaluation. If any portion of the site is confirmed to be endangered plant habitat, such area shall be treated as environmentally sensitive habitat and protected from significant disruption;~~…~~"

(e) Any development relying upon a septic tank or other on-site system, shall submit a specific design and engineering analysis by a licensed soils engineer, which demonstrates both sufficient separation between leaching fields and winter groundwater levels, and that the requirements of the Regional Water Quality Board are complied with;

(f) Any development in a streambed must be conditional upon execution of and compliance with an Agreement ("1603 Agreement") with the California Department of Fish and Game under the requirements of Sections 1601-1603 of the California Public Resources Code.

(g) Appropriate ~~tall~~ native trees, shrubs, and grasses shall be planted in the required setback area, consistent with Biological Restoration Plan (Section 9-5.705(f)(4)) prepared by a qualified wetland biologist wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a dense visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas ~~eucalyptus or~~ native upland species are appropriate.

(h) Residential lots may be smaller than the allocated density to allow for clustering; any permitted residential use shall be clustered on the smallest lots possible with shared

driveways and the remainder open space retained for agricultural uses; residential development shall only occur within the development envelope shown on LUP Figure 2.

(i) Sewer (only for a public school, subject to Section 9-5.704(c)) and/or potable water service may be provided only if all of the following circumstances apply to such utility(ies):

(1) They must be applied for and reviewed pursuant to Section 9-5.705(f)(10);

(2) They shall be financed in a way which does not require or involve assessments against or contributions from properties along Lee Road outside of Area C, or against any agricultural property;

(3) They shall be the minimum size pipes, pumps, and any other facility(ies) necessary to accommodate the permitted use, and evidence is provided from a licensed civil engineer indicating that this is the case;

(4) They shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site;

(5) They shall incorporate dedication of a one-foot or greater non-access easement surrounding the parcel served by the utility(ies) across which extensions of sewer service and potable water are prohibited; the non-access easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement).

(6) They shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road;

(7) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One;

(8) Adequate capacity is available to serve the site; for water, the result shall not be a worsening of the groundwater overdraft situation; and

(9) They must be placed within the City of Watsonville City Limits.

(j) No subdivision or other adjustment of parcel lines shall be allowed which results in the creation of any parcel that cannot accommodate development consistent with Zone C performance standards unless the parcel is permanently protected pursuant to Section 9-5.705(f)(5) and dedicated to agriculture or another open space use.

(k) All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape (See also Section 9-5.705(f)(3)).

(l) If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is

feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Reserve, unless an environmentally superior alternative to a bridge is identified; fill of any portion of the West Branch of Struve Slough is prohibited. Any Harkins Slough Road improvements at the Hanson Slough crossing shall provide adequate culverts to ensure habitat connectivity. Development shall be designed to minimize the extent of any such Harkins Slough Road improvements; improvements not necessary to serve the permitted development are prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough; night lighting is prohibited. Any such improvements to Harkins Slough Road shall be within the parameters of a Biological Restoration Plan prepared for such project pursuant to Section 9-5.705(f)(4).

(m) All development associated with Area C within unincorporated Santa Cruz County shall have a valid County Coastal Development Permit before any City Coastal Development Permit can be exercised.

(n) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation. All requirements of Section 9-5.705(f)(8) shall be implemented.

(o) Area C is designated as a Special Study where all development, including subdivision or lot line adjustment, other than one residence per existing parcel is subject to a specific plan. The Specific Plan shall:

(1) Allow for non agricultural development only on the parcel(s) or portion(s) of parcel(s) found infeasible for continued or renewed agricultural use under policy III.C.4 and only within the development envelope shown on LUP Figure 2;

(2) Delineate a maximum building envelope of 8 acres within the development envelope shown on LUP Figure 2 that is found infeasible for continued or renewed agricultural use;

(3) Within the maximum building envelope, the maximum impervious surface coverage is 7 acres; the remaining 1 or more acres is for landscaping and other pervious surface uses;

(4) Allow for subdivision for residential purposes resulting in lots as small as one acre

(minimum size for septic systems); provided that there is a maximum of 15 residences permitted;

(5) Allow for portions of residential parcels to extend beyond the 8 acre maximum building envelope, provided that any such portions are restricted to agricultural uses or comprise the 200 foot agricultural buffer;

(6) Allow for resubdivision of existing parcels which is encouraged to better meet these objectives;

(7) Not allow any subdivision or other adjustment of parcel lines that cannot accommodate development consistent with Zone C performance standards unless the parcel is permanently protected and dedicated to agriculture or another open space use;

(8) Comply with all standards for development of Area C.

(4) Add new IP Section 9-5.705(c)(5) titled ("Criteria for an Increase in Impervious Surface Coverage and Development on Slopes") as follows:

(5) Criteria for an Increase in Impervious Surface Coverage and Development on Slopes

An increase in impervious surface coverage (up to 18 acres of that portion of Area C within the development envelope defined in LUP Figure 2) and development on isolated areas of slopes greater than 15% (within the development envelop shown on LUP Figure 2) on Area C may be allowed for a public school (subject to Section 9-5.704(c)) only if: (a) the following findings are made; and (b) the following mitigation measures are included as enforceable conditions of any coastal development permit granted for a public school:

a. Required Findings:

(1) The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district to serve existing and projected student populations and to meet State School Sizing Criteria;

(2) There is no feasible alternative location;

(3) The siting clusters the school as much as possible to leave as much of the non-habitat part of the site available for continued agriculture;

(4) The California Department of Transportation Aeronautics Program has determined that all areas proposed for development on the site are safe for siting public school facilities; and

(5) The design is evocative of, and designed to be compatible with, the rural agricultural character of the surrounding rolling hill landscape.

b. Required Coastal Development Permit Conditions:

(1) The public school shall include: (a) an environmental stewardship program, with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough on Area C for students to conduct supervised environmental restoration; and (b) a sustainable agricultural education component (e.g., similar to that at Watsonville High School) that may include some agricultural study plots on site;

(2) There shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site;

(3) The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of Section 9-5.705(c)(4)(b) above and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture). The plan shall be submitted and approved by the City prior to issuance of the coastal development permit. The Applicant shall post a bond with the City of sufficient amount to provide for all environmental enhancements and all mitigation measures that are identified in any final environmental document(s) certified for the project;

(4) There shall be screening between habitat and areas with human activity so that such areas shall not be visible from any vantage point within environmentally sensitive habitat areas;

(5) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;

(6) Any land on Area C in excess of that consistent with the required findings above shall be used only for agricultural purposes with the 200 foot buffer from the school and the fields adjusted accordingly. If the land is purchased by a school district, the district must present a binding agreement to offer the excess land for agricultural use at no greater than fair market rents. Legal access must be provided to any remainder agricultural parcel, without any restrictions as to the farm employees' use;

(7) Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields;

(8) The permittee shall record a deed restriction or an open space/conservation easement that provides that all agricultural and ESHA areas and their buffers shall be permanently maintained and protected (see Section 9-5.705(f)(5)). All agricultural and ESHA areas and their buffers shall be offered to appropriate resource management agencies and/or non-profit organizations along with sufficient funding to implement any mitigations or conditional requirements applicable to these areas;

(9) An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction on the property pursuant to Section 9-5.705(f)(6);

(10) Any event at the school that exceeds the maximum permitted student and employee capacity of the school, and/or that may adversely affect adjacent habitat areas, shall require a coastal development permit and shall be subject to all Area C performance standards;

(11) There shall be a landscaping and grounds maintenance plan that provides for minimizing the use of pesticides, herbicides, and fertilizers, and protecting against adverse impacts associated with them. Such plan shall be submitted for the review and approval of the City. Pesticides and herbicides shall only be used if there is a documented problem and not on a regular preventative schedule, and shall not be applied if rain is expected. Non-chemical fertilizers are preferred. The least toxic alternatives, and the minimum necessary for the problem, shall be used in any case. The landscaping and grounds maintenance plan shall include nutrient control parameters; and

(12) All mitigation measures that are identified in any final environmental document(s) certified for the project shall be incorporated as conditions of approval. In the event that any such mitigation measures are in conflict with these required conditions and/or with any Area C or other LCP performance standards, then the conflicting portion of any such mitigation measure shall not be incorporated as a condition of approval.

Policies Affecting All Areas Modifications

Mod 5. Environmentally Sensitive Habitat Delineation and Buffers

Replace the Area C portion of existing Land Use Plan Figure 2 with the Area C diagram shown on Figure 15 of this staff report. Do not revise the delineation of environmentally sensitive habitat area within a portion of Area C as proposed by the City in LCP Amendment Component 3. Provide accurate descriptions of environmentally sensitive habitat areas in Watsonville's coastal zone, provide for restoration and buffering of these resources.

A. Land Use Plan Modifications

(1) Add the following paragraphs to LUP Section V.A. ("Regional Issues in Context of Coastal Act Policies"), "Wetlands" subsection:

The Watsonville Slough System is a very important system containing significant areas of fresh and salt water wetland, marsh, and open water areas, riparian and oak woodlands, as well as dune and coastal scrub communities nearer the coast. The diversity of habitat and its coastal location along the Pacific Coast Flyway combine to make the Slough System an important resting, feeding and refuge area for migratory, seasonal and resident waterfowl. In addition, the Slough System is home to many other birds, amphibians, reptiles, and other animals – some of these species protected by the Federal and State Endangered Species Acts – which likewise utilize the diverse habitat. The rich prey base supports a high diversity of raptor and other

predators. Various plant species of concern, some of these endangered as well, are also prevalent in the Slough System. The entire Watsonville Slough System has been designated by the California Department of Fish and Game as an Area of Special Biological Importance.

Several sensitive species are known to occur in the Watsonville coastal zone vicinity. Such species include: Santa Cruz long-toed salamander (Ambystoma macrodactylum croceum), a Federal and State Endangered Species; California red-legged frog (Rana aurora draytonii), a Federal Threatened Species and a State Special Concern Species; California tiger salamander (Ambystoma californiense), a Federal Candidate Species and a State Special Concern Species; Western pond turtle (Clemmys marmorata), a Federal Species of Concern and a State Special Concern Species; Tricolored blackbird (Agelaius tricolor), a Federal Species of Concern and a State Special Concern Species; and Bank swallow (Riparia riparia), a State Threatened Species.

(2) Modify LUP Section V.B. ("Issues Affecting Specific Areas in light of Coastal Act Policies"), "Area C" subsection as follows:

The west branch of Struve Slough parallels the highway and traverses across the easterly section of the property. Hanson Slough is located along the western boundary of Area C in two locations: a portion of the Hanson Slough headwaters can be found in the riparian area along the center of Area C's western boundary, and a separate upstream finger of Hanson Slough extends northward from the bend in the road at Harkins Slough Road. The Watsonville General Plan designates most of ~~this~~ the West Branch of Struve Slough area as residential and as Environmental Management in the flood plain of the slough. Although this ~~The~~ area ~~is~~ was zoned R-1 (Single Family Residential – low density) prior to LCP certification, the current LCP zoning which now applies to this area designates it as CZ-C within which agriculture, wetlands and other open space uses are the principal permitted uses.

Several sensitive species are known to occur in the Watsonville coastal zone vicinity and suitable habitat for these species has been identified on Area C. Such species include: Santa Cruz long-toed salamander (Ambystoma macrodactylum croceum), a Federal and State Endangered Species; California tiger salamander (Ambystoma californiense), a Federal Candidate Species and a State Special Concern Species; Western pond turtle (Clemmys marmorata), a Federal Species of Concern and a State Special Concern Species; Tricolored blackbird (Agelaius tricolor), a Federal Species of Concern and a State Special Concern Species; and Bank swallow (Riparia riparia), a State Threatened Specie. In addition, at least one rare and endangered animal species has been positively identified on Area C: California red-legged frog (Rana aurora draytonii), a Federal Threatened Species and a State Special Concern Species, inhabits the upper portion of the West Branch of Struve Slough.

This group of parcels presents the largest set of questions. Though zoned for residential development, it has the most varied terrain of any of the Coastal Zone areas and is the location of the city's most valuable coastal resource, the West Branch of Struve Slough. Without question any form of development of the site would be difficult and would require preservation

of the natural resources. Potential options included transfer of development rights to Area A, extremely limited light industrial development with the requisite buffer zones and flood control maintenance requirements, or designation of the entire area for environmental management.…

(3) Modify LUP Appendix B ("Identification and Analysis of Environmentally Sensitive Habitats Within the Coastal Zone Portions of the City of Watsonville"), "Wetlands" subsection as follows:

…The major wetland was found as an extension of the West Branch of Struve Slough. A report on the extent of West Branch of Struve Slough resources was undertaken in 1998 ("Investigation of the Presence of Waters of the United States: New Millennium High School Site, Watsonville California" by Huffman & Associates, Inc. (dated June 1998)); this report covered only slough resources on Area C. This report did not cover any of the Highway One right-of-way (Area R). The report delineated less wetlands than were identified when the LCP was certified. However, subsequent review by the Coastal Commission identified significant environmentally sensitive upland habitat between the farm road and the bottom of West Branch Slough. Based upon the resources identified there, the Commission defined the area east of the farm road on Area C as environmentally sensitive habitat, and defined a development envelope for Area C taking into account these resources and appropriate buffers thereto. Although…

…

A seasonal wetland area is mapped at the southwest portion of ~~Parcel~~ Area C. This wetland is an upstream finger of Hanson Slough, extending northward from the bend in Harkins Slough Road at the southwestern corner of Area C, that has been graded and utilized for agriculture at various times historically. Portions of this area were in agricultural production on the site as recently as February 2000. Portions of this area were ~~Is presently~~ planted in legumes when sensitive habitats were identified at the time of original LUP certification, but codominant with these ~~are~~ were dock, and plantain species, indicating the presence of at least seasonal inundation. Red-wing blackbirds were common in this area. ~~Their presence, with the dock and plantain, indicate the area should be considered a wetland under the Coastal Act and Commission guidelines.~~ Based upon their presence, the presence of hydrophytic plants, and at least seasonal inundation, the LUP defines this area as a seasonal wetland (wetland upland interface). A perched groundwater table in tandem with the surrounding steep slopes ensure that the hydrology of this upper finger is a constant. In fact, if agriculture were to cease in this area of Hanson Slough, and it were to be left alone, it would be expected that hydrophytic plants would reestablish in the base of the slough with moisture-tolerant grassland species extending up the slopes. In fact, even with the current unnatural cultivation of strawberries, hydrophytic weedy vegetation is already common in this area. If left alone, other wetland species would be expected to reestablish themselves.

This upland Hanson Slough resource on Area C is characterized by a steeply sloping bowl extending from the upper plateau area of Area C. This 'bowl' topographic feature continues onto the property to the west. The steep slopes funnel runoff into the slough where it then flows down to Harkins Slough Road, from there it flows adjacent to the roadway and into a culvert

slightly west of the Area C boundary where it meets the main branch of Hanson Slough. Although Area C has changed significantly from what was probably a predominantly riparian landscape (marshy towards the West Branch of Struve Slough) historically, this Hanson Slough slope geomorphology remains essentially intact. It can be inferred that this sloped area has long been part of the hydrologic regime of Hanson Slough, and continues to feed this system.

Finally, the Watershed Institute at California State University Monterey Bay (CSUMB) has begun restoration of the portion or Hanson Slough directly adjacent to Area C (downslope of the upland finger on Area C). Through limited hydromodification at the lower end of the culvert under Harkins Slough Road, approximately 2 miles of wetland habitat are in the process of being restored. This restored wetland is supporting numerous native wetland plants, is visited by wetland birds, and has been used as an outdoor laboratory for wetland and water quality scientists at CSUMB and the United States Soil Conservation Service. The drainage from the disturbed finger of Hanson Slough on Area C flows directly into this downstream restoration site.

(4) Modify LUP Appendix B ("Identification and Analysis of Environmentally Sensitive Habitats Within the Coastal Zone Portions of the City of Watsonville"), "Riparian Habitats" subsection as follows:

The second riparian habitat area consists of a grove of willows along the southwestern border of Parcel C. This area is a portion of the headwaters of Hanson Slough located partially on Area C and partially on the adjacent agricultural parcel west of Area C within unincorporated Santa Cruz County. Though described as 'riparian', this area can and should be defined as wetland as well. Hanson Slough extends from Area C through unincorporated Santa Cruz County agricultural lands where it feeds into Watsonville Slough proper to the south. As noted…

(5) Modify LUP Policy 2.D.3 ("Environmentally Sensitive Habitats Areas and Water Resources"), as follows:

Development of areas adjacent to environmentally sensitive habitat areas (including but not limited to those mapped in Figure~~.~~ 2) shall be sited and designed so as to prevent impacts which would significantly degrade or be incompatible with the continuance of such habitat areas. Buffers from all such areas shall be included with all development; such buffers shall be planted in such a way as to provide functional resource value as well as to shield such sensitive habitat areas from development. Specific setback distances for development are given in Section III ("Policies Affecting Specific Areas").

B. Implementation Plan Modifications

(1) Add new IP Section 9-5.705(f)(9) ("Environmentally Sensitive Habitat Area Buffers") as follows:

All environmentally sensitive habitat areas shall be buffered; specific buffer widths are specified for each Area (i.e., Areas A, B, C, D, E, and R) of the City's coastal zone. Such buffers shall be designed to shield such sensitive habitat areas from development, and to enhance the functional resource value of the buffer and the environmentally sensitive habitat area through a Biological Restoration Plan (Section 9-5.705(f)(4)) prepared for any development adjacent to

environmentally sensitive habitat areas. Uses allowed within buffers shall be limited to low-intensity restoration activities (such as removal of invasive exotic species and replanting with native trees, shrubs, plants and grasses as appropriate), unless other uses are specifically identified for any particular buffer area in the performance standards for that area (see 9-5.705(a), (b), (c), (d), (e), and (r)).

(2) Add new IP Section 9-5.705(f)(4) ("Biological Restoration Plans") as follows:

(4) Biological Restoration Plans. Any habitat restoration, enhancement, and/or buffering plans shall be prepared by a wetland biologist and hydrologist developed in consultation with and subsequently distributed for review by the Department of Fish and Game and U.S. Fish and Wildlife Service. The plans and the work encompassed in the plans shall be authorized by a coastal development permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the City. No changes to the approved final plans shall occur without a City-approved amendment.

The elements of such a plan shall at a minimum include:

(a) A detailed site plan of the entire habitat and buffer area with a topographic base map;

(b) A baseline ecological assessment of the habitat and buffer area, including but not limited to, assessment of biological, physical, and chemical criteria for the area;

(c) The goals, objectives, performance standards, and success criteria for the site, including specific coverage and health standards for any areas to be planted. At a minimum, explicit performance standards for vegetation, hydrology, sedimentation, water quality, and wildlife, and a clear schedule and procedure for determining whether they are met shall be provided. Any such performance standards shall include identification of minimum goals for each herbaceous species, by percentage of total plantings and by percentage of total cover when defined success criteria are met; and specification of the number of years active maintenance and monitoring will continue once success criteria are met. All performance standards shall state in quantifiable terms the level and extent of the attributes necessary to reach the goals and objectives. Sustainability of the attributes shall be part of every performance standard. Each performance standard shall identify: (1) the attribute to be achieved; (2) the condition or level that defines success; and (3) the period over which success must be sustained. The performance standards must be specific enough to provide for the assessment of habitat performance over time through the measurement of habitat attributes and functions including, but not limited to, wetland vegetation, hydrology, and wildlife abundance.

(d) The final design, installation, and management methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards;

(e) Provisions for the full restoration of any impacts that are identified as temporary necessary to install the restoration or enhancement elements;

(f) Provisions for submittal, within 30 days of completion of initial (and subsequent phases, if

any of) restoration work, of "as built" plans demonstrating that the restoration and enhancement has been established in accordance with the approved design and installation methods;

*(g) Provisions for a detailed monitoring program to include at a minimum **p**rovisions for assessing the initial biological and ecological status of the site. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation;*

(h) Provisions to ensure that the site will be promptly remediated if monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation program and provisions for such remediation. If the final report indicates that the mitigation project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which did not meet the approved performance standards. The revised mitigation program, if necessary, shall be processed as an amendment to this coastal development permit.

(i) Provisions for submission of annual reports of monitoring results to the City for the first five years after all restoration and maintenance activities have concluded (including but not limited to watering and weeding, unless weeding is part of an ongoing long-term maintenance plan) and periodic monitoring after that time, beginning the first year after submission of the "as-built" assessment. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the project in relation to the performance standards.

(3) Add new IP Section 9-5.705(f)(5) ("Biological and Agricultural Easements") as follows:

(5) Biological and Agricultural Easements. Prior to issuance of a coastal development permit to proceed with development of any site where a portion of the property has use restrictions placed on it for habitat or agricultural purposes, the landowner of the parcel(s) subject to the permit, shall have completed the following:

(a) A document shall have been executed and recorded in a form and content acceptable to the City Attorney and the Executive Director of the Coastal Commission as described below, dedicating to a public agency or private association approved by the City Council an open space and conservation easement over the specified portion of the land for the purposes established in the coastal permit findings. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the California Department of Fish and Game and the U.S. Fish and Wildlife Service would be candidate agencies to accept a habitat easement). An outright dedication or other transfer of title of the specified portion of the land can substitute for an easement. The document shall show the area of protection, both mapped and described in metes and bounds, consistent with the Local Coastal Program and coastal permit conditions. The document shall be recorded free of prior liens and any other encumbrances that the City

Attorney determines may affect said interest. The document shall limit uses of and activities in the area of protection to those enumerated in the coastal permit or in a management plan or other document approved by the City as fulfilling compliance with a coastal permit condition. Provisions shall be included that permit the City staff, or in the case of habitat preservation or buffering, staff of the Department of Fish and Game and U.S. Fish and Wildlife Service, to enter and inspect the property for purposes of determining compliance with approved plans and permit.

(b) If no suitable accepting agency has been determined, then the document shall take the form of an irrevocable offer to dedicate the land (or an easement on the land) to a public agency or private association approved by the City Council. In this case, the offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording the offer.

(c) If a direct easement, outright dedication or other transfer of title, or irrevocable offer to dedicate the land are infeasible in the opinion of the City Attorney and the Executive Director of the Coastal Commission, then the document shall take the form of a deed restriction over the specified portion of the land for the purposes established in the coastal permit findings. The deed restriction shall include a legal description and site plan of the Permittee's entire property. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the City Attorney determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without an amendment to the coastal development permit.

(d) Review and approval by the Executive Director of the Coastal Commission of the aforementioned legal documents consistent with Section 9-5.414.

Mod 6. Limitations on Public Service Extensions

Ensure that any public service extensions in the City's coastal zone do not induce growth west of Highway One. Maintain a stable urban rural boundary by limiting public service extensions to serve development within the City of Watsonville City limits to help ensure that there will be no additional urban development outside the current western boundary of the City, thereby protecting agricultural lands from conversions to non-agricultural uses, and protecting environmentally sensitive habitats and wetlands while providing for concentrated urban development in the City.

A. Land Use Plan Modifications

(1) Modify LUP Section II.C. ("Public Works") as follows:

Special districts or City utility department service areas shall not be formed or expanded except where assessment for, and the provision of, the service would not induce new development inconsistent with the preservation of agricultural land and other coastal resources. The provision of sewer and potable water utilities in the coastal zone shall be contingent upon a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One. Any such sewer and

potable water utilities shall: be the minimum size necessary to accommodate the permitted use; be designed and built without extra connection points (i.e., stub-outs) not necessary for the permitted use; be installed only in conjunction with actual construction of the development that they are to serve; incorporate dedication of a one-foot or greater non-access easement surrounding the parcel served by the utilities across which extensions of sewer service and potable water are prohibited; be placed entirely within the City of Watsonville City limits unless certain overriding exception circumstances are found; emanate from one City sewer line under Highway One north of Beach Road; and not be developed if capacity is not available to serve the permitted use.

B. Implementation Plan Modifications

(1) Add new IP Section 9-5.706 ("Utility Prohibition Overlay District") as follows:

Section 9-5.706. Utility Prohibition Overlay District.

(a) This subsection establishes a Utility Prohibition Overlay District (UPO). This is a minimum one (1) foot wide overlay district that applies to property within the Coastal Zone located along the boundary of Coastal Zone Areas A, B and C. The purpose of the Utility Prohibition Overlay District (UPO) is to maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City within the Coastal Zone, and to protect agricultural lands, environmentally sensitive habitats and wetlands while providing for concentrated urban development in the City.

(b) The regulations of the Utility Prohibition Overlay District (UPO) shall apply to all property identified in this subsection in addition to the regulations of the underlying zone or district with which the UPO District is overlaid. Where the regulations established in this district are in conflict with other zoning or land use plan regulations, the more restrictive and/or the most protective of coastal zone resources shall apply.

(c) Within the Utility Prohibition Overlay District (UPO), wastewater utility pipelines and potable water utility pipelines are prohibited. However, an exception can be made for one wastewater and water line to serve a new public school on Area C provided: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipelines through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the lines through the County are found consistent with the County Local Coastal Program and have received an appealable County coastal permit; and (4) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.

(2) Revise City of Watsonville zoning map to place the Utility Prohibition Overlay District (UPO) zone on the area shown in Figure 14 of this staff report.

(3) Add new IP Section 9-5.705(f)(10) ("Utility Extensions") as follows:

(a) An application for a development that requires public wastewater or water lines shall include:

(1) a plan showing the location and sizing of all water and wastewater facilities;

(2) calculations indicating the amount of water needed and wastewater generated from the development;

(3) calculations for the commensurate sizing of the utility lines;

(4) an analysis of alternative use of on-site systems;

(5) a financial plan showing estimated costs and financing means of initial installation and future maintenance.

(b) In order to approve any such public wastewater or water line, City staff shall have verified that:

(1) the facilities are sized no greater than necessary to serve the permitted development;

(2) the financial plan is sound and is not predicated on any third party funding that would induce growth inconsistent with this chapter.

(c) Any permit to approve a public wastewater or water line must be conditioned to prohibit installation to occur prior to the commencement of construction of the development that it is to serve.

Mod 7. Preservation of Agricultural Lands

Ensure that the characterization of agricultural land in the City of Watsonville's coastal zone is current, and that the various LCP protection policies are consistent with the Coastal Act, with existing site conditions, and internally consistent with the specific area policies. Ensure that the LCP has an adequate mechanism for ensuring that there are buffers between agricultural land and development.

A. Land Use Plan Modifications

(1) Modify LUP Policy II.A.2 ("Policies Affecting All Areas") as follows:

(a) The maximum amount of prime agricultural land, including but not limited to prime agricultural land on Area C, shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(1) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(2) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(3) By permitting the conversion of agricultural land surrounded by urban uses where the

conversion of the land would be consistent with Policy II.A.1.

(4) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(5) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(6) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

(b) Lands suitable for agricultural use (i.e., Areas A, B, and C) shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or ~~development would serve to~~ concentrate development consistent with Policy II.A.1. This policy shall not supercede specific policies III.B.4 and III.C.4 that apply to Areas B and C.

Relation to Coastal Act: Sections 30241 and 30242 (prime and non-prime agricultural lands)

Effect on Development: Preserves agricultural lands and reinforces Policy II.A.1 (~~There is no prime agricultural land within the present boundaries of the City's coastal zone.~~ See Section ~~I~~V.A for further details.)

(2) Modify LUP Section V.A.("Regional Issues in Context of Coastal Act Policies"), "Preservation of Agricultural Land" subsection as follows:

Preservation of Agricultural Land.

Coastal Act policies provide for limiting conversions of agricultural lands, as well as establishing a stable urban-rural boundary. The Conservation Element of the Watsonville General Plan reaffirms that policy.

Three areas of the city within the Coastal Zone, Areas A, B and C, consist of 145 acres of prime range land as defined by the U.S. Department of Agriculture, as well as some cultivated agricultural ~~or non-prime farm~~ land ~~soils~~. By the definition used in the Coastal Act (Section 51201a-d of the Government Code), some of these lands ~~are~~ do not qualify as prime agricultural land ~~soils~~. Some lands are actually marginal agricultural lands, which may be seen from the amount of land not in use. However, Area C is predominantly prime agricultural land by virtue of its economic return and grazing viability.

B. Implementation Plan Modifications

(1) Add new IP Section 9-5.705(f)(6) ("Agricultural Buffers") as follows:

(6) Agricultural Buffers. Provide and maintain a buffer of at least 200 feet between agricultural land and non-agricultural uses on the property devoted to the non-agricultural uses. The setback shall incorporate vegetative or other physical barriers and be as wide as necessary as

determined to minimize potential land use conflicts. The buffer area shall be permanently protected and restricted by easement or dedication pursuant to Section 9-5.705(f)(5), such document to incorporate the objectives and requirements herein. Buffer plantings or any other required barriers shall be maintained in perpetuity. Uses allowed in the buffers shall be limited to student agricultural activities, septic systems, any habitat improvements as may be specified in a habitat restoration plan (see Section 9-5.705(f)(4), and, for Area C only, one road crossing of the minimum width for public safety purposes as necessary to serve the permitted use.

(2) Add new IP Section 9-5.705(f)(7) ("Right to Farm Disclosure and Hold-Harmless Acknowledgement") as follows:

(7) Right to Farm Disclosure and Hold-Harmless Acknowledgement

(a) Intent. It is the declared policy of this City to encourage agricultural operations. It is the further intent of the City to provide to its residents, students, and workers proper notification of the City's support of those person's right to farm. Where non-agricultural land uses occur near agricultural areas agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investment in farm improvements to the detriment of agricultural uses and the viability of the area's agricultural industry as a whole. It is the purpose and intent of this section to reduce the area's loss of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance. An additional purpose of this section is to promote a good neighbor policy by advising purchasers of property of the inherent potential problems associated with the purchase, such as the noises, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations. It is intended that through mandatory disclosures, purchasers and users will better understand the impact of living, working, or attending school near agricultural operations and be prepared to accept attendant conditions as the natural result of living or being in or near rural lands.

(b) Findings. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with properly accepted customs and standards, shall be or become a nuisance, private or public, due to any changed condition in or about the locality. The term "nuisance" shall have the meaning ascribed to that term in California Civil Code Section 3479, which reads in part, "Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property .. is a nuisance." The City of Watsonville has determined that the use of real property for agricultural operations is a high priority and favored use and those inconveniences or discomforts arising from said use, shall not be or become a nuisance.

(c) Disclosure Statement. The following statement shall be included on all coastal zone permits issued by the City and shall be delivered to all new purchasers or leasees of property in the

coastal zone:

The City of Watsonville declares it a policy to protect and encourage agricultural operations. If your property is located near or adjacent to an agricultural operation, you may at sometimes be subject to inconvenience of discomfort arising from the operation. If conducted in a manner consistent with applicable State and local laws, said inconveniences and discomforts shall not be or become a nuisance.

(d) Acknowledgement. Prior to issuance of a coastal development permit for a non-agricultural use on a parcel adjacent to an agricultural parcel, the City shall receive proof that the following document has been recorded as a deed restriction. This statement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs, or assignees. The statements contained in this acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property, and distributed to all tenants, employees, students, or other uses of the said property:

The undersigned do hereby certify to be the owner(s) or Leasees of the hereinafter legally described real property located in the City of Watsonville and do hereby acknowledge and agree: (a) that the property described herein is adjacent to land utilized or designated for agricultural purposes; (b) that residents, students, or other users of the property may be subject to inconvenience or discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use and its impact to users of the property. It is understood that the City has established a 200 foot agricultural setback on the herein described property to separate agricultural parcels and non-agricultural uses to help mitigate, but not necessarily completely alleviate, these conflicts.

(3) Modify IP Section 9-5.815 ("Agricultural Viability Report" definition) as follows:

A report which assesses the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size and any other factors relevant to the particular parcel. The report shall establish a baseline of information to be used to describe the role that each factor plays as a variable influencing the site and surrounding area's

viability for agricultural production. The report is prepared by a consultant according to approved City procedures. In terms of scope, the feasibility analysis should analyze both the site and the larger area's current and past productivity as an agricultural unit for the preceding five years.

Determination of the feasibility of continued or renewed agricultural use when agricultural land conversion is proposed shall be based upon an evaluation that addresses, and contains, at a minimum, ~~The report shall include an economic feasibility evaluation, containing at least both of~~ the following elements:

1. Soils

a. The identification of all soil types that are found in the area (As stated in the most recent Soil Survey published by the United States Department of Agriculture).

b. Storie index and Capability Classification ratings of all identified soil types (As stated in the most recent Soil Survey published by the United States Department of Agriculture).

c. The expected animal unit month (AUM) yield for each identified soil type (As stated in the most recent Soil Survey published by the United States Department of Agriculture).

d. The expected net dollar return for crops that are currently cultivated on each soil type.

e. An identification of crop types that could be potentially grown on each identified soil type, and also the expected net dollar return for such crops.

f. An identification of soil types used exclusively for grazing.

g. An identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouses), and where identified, a description of their location and nature of operation(s).

2. Geographic

a. The description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, storie index rating, texture, development, unique qualities) affecting agricultural operations in the area.

b. The description of management techniques that are currently used, or could be used, in order to improve soil quality for agricultural operations.

c. An identification of agricultural operations that use more than one parcel for production in the area, and where identified, a description of their current practice and average acreage for each individual operation.

d. A description of the relationship or proximity of agricultural and urban land uses.

3. Water

a. The availability of water in the area.

b. An identification of the water source.

c. An identification of whether poor water quality impacts agricultural operations in the area.

d. The current cost of water.

4. Access

a. Description of whether adequate access to agricultural operations in the area currently exist.

b. Where access is problematic, an identification of the nature of the conflict; and how the conflict impacts agricultural operation(s).

5. History

a. An identification of the types of agricultural operations that have taken place in the area in the past and where have they occurred.

b. An identification of how long agricultural operations have been conducted in the area.

c. An identification of those parcels that have been used for agricultural operations in the area consistently in past, and where applicable an identification of such time periods.

d. An identification of significant past management practices have been used in the area in order to affect agricultural yields.

6. Risk Factors

a. An identification of whether drought years affect agricultural operations in the area and, if so, what the cost of water is during these periods.

b. An identification of whether the costs of production and labor are unpredictable for agricultural operations in the area.

c. An identification of whether commodity prices are consistent or inconsistent from year to year for crops grown in the area.

d. An identification of whether salt water intrusion into well water supply is an issue, and if so, how it affects agricultural operations in the are.

e. An identification of whether there is a problem with crop quality in the area.

f. An identification of whether the agricultural market is volatile for crops grown in the area.

7. Economics

a. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development; and,

b. An analysis of the operational expenses excluding the cost of land, associated with the

production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development.

c. Cost shall be determined by, and consist of, the following variables:

1. Fixed Costs for any given crop are assumed to be constant, regardless of the annual yield. Fixed costs shall include only current costs and shall not speculate on potential future circumstances.

a. Land cost (i.e. rent, lease, property tax, etc.) shall NOT be included into the cost analysis (See Coastal Act Section 30241.5)

b. Capital costs including: 1) land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.); 2) equipment (i.e., trucks, tractors, buildings, special equipment (e.g. irrigation), etc.); 3) herd expenses (i.e., payment for bulls and heifers); and 4) miscellaneous expenses. Cost determination must also include depreciation and interest expenses.

c. Cultivating cost including operating costs for: 1) labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits); 2) materials (i.e., water, seed, feed supplements, salt, fertilizer, and pesticides); 3) machinery; 4) fuel and repair; and 5) outside consultants (i.e., veterinary and management).

2. Variable Costs are the harvest costs and are based on the amount of yield only. Depending on the crop yield, variable costs fluctuate for any given year. In most cases, this is expressed as the cost per unit of yield (tons, 100 weight, or pounds).

d. Gross Revenue shall be determined by and consists of the following variables:

1. Gross returns for each crop type as detailed in the annual crop report issued by the County Agriculture Commissioner.

2. Past return figures should factor in the appropriate Producer Price Index (PPI) figure in order to account to inflation over time.

e. Evaluative methods to incorporate the above cost and revenue figures shall include:

1. Determination of the net economic impact on private and public sectors and, second, a test for agricultural viability. Net economic impact refers to change in dollar flow within the community brought about by a given change in land use. "Net economic impact" equals total public revenues minus total public costs, plus private sector income. This should be computed according to the existing land use, the proposed development, and any viable project alternatives. This may be accomplished through the following process:

a. Cost/Revenue analysis that determines public costs associated with conversion of agricultural land and also revenues generated by increases in property tax within the project site. Public service marginal costs should compute the new

and/or incremental costs of adding development to the public service system, which includes the cost of capital improvements necessary to accommodate such development. This should also state, and if possible quantify, those costs or externalities not easily accounted for in cost computations. One externality could include the probable change in assessed value of parcels adjacent to the development. Public service revenues are generated by increases in property tax within the project site.

b. Input/Output analysis that looks at the private sector of the areas economy in terms of its purchases and sales to other sector both locally and from outside the area. From this information, multipliers for each sector should be developed. Determination of the input figures will reveal the affect of removing the subject number of acres, for the subject crop, from agricultural production. This will reveal the effect to the private sector economy.

2. Determination of the minimum acreage for a viable agricultural operation (farm family approach). In order to determine net income, production costs by crop should be computed on a per acre basis and subtracted from gross market receipts expected from that crop, as detailed in the County Agricultural Commissioner's annual crop report. The resulting figure represents the farmer's income per acre of productive land. The per acre income figure should then be divided into the County's Median Income figure to compute the number of acres required to support a farm family.

3. Determination of net return per acre, per crop type, for the area only. By crop type, determine gross revenue per acre for subject crop types as listed in the County Agricultural Commissioner's annual crop report. Then subtract from gross revenue figures the cost per acre associated with each crop type.

7. Prime Agricultural Land Determination

a. All agricultural land proposed for conversion to non-agricultural use shall be evaluated for a determination of whether it should be categorized as prime or non-prime agricultural land. As defined in the Coastal Act, "prime agricultural land" is "those lands defined in paragraph (1), (2), (3), or (4) of subsection (c) of Section 51201 of the Government Code" (Coastal Act Section 30113). Government Code Section 51200 – 51296, also known as the Williamson Act, lists the following definitions of prime agricultural land under the applicable four subsections of Section 51201(c):

1. All land that qualifies for rating as class I of class II in the Natural Resource Conservation Service land use capability classifications.

2. Land which qualifies for rating 80 through 100 in the Storie Index Rating

3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a

nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

The report shall include maps and photos (air and site photos) of the area being evaluated that, at a minimum, identify the following on all such figures: parcel lines, parcel numbers, farm boundaries, owners and/or leassees of each parcel and/or farm, wells and/or any other water supply lines, storie ratings, Capability classifications, slopes, and roads.

For purposes of this definition, "area" means a geographic area of both the City and County of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the City's certified local coastal program.

The report shall not be considered complete until it has been submitted to, and found factually adequate by a qualified governmental reviewing authority other than the City. Examples of appropriate reviewing authorities include the Santa Cruz County Agricultural Commissioner, U.S.D.A. – Soil Conservation Service, Resource Conservation District, or the Coastal Commission.

Mod 8. Preservation of the Public Viewshed, Minimizing Landform Alteration, and Ensuring Compatible Development

Ensure that development is sited and designed to protect public views, to minimize the alteration of the natural landform, and to ensure compatibility with the rolling rural agricultural character of the City of Watsonville coastal zone and south Santa Cruz County.

A. Land Use Plan Modifications

(1) Modify LUP Policy II.B ("Policies Affecting All Areas, Coastal Visual Resources") as follows:

New development shall be sited and designed to protect views of scenic coastal areas (including the wetlands of the Watsonville Slough complex and associated riparian areas), to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and where feasible to restore and enhance the visual quality of visually degraded areas; all utilities in new development shall be placed underground, and hillsides and pervious areas shall be ~~reforested~~ revegetated through a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, consistent with a transition to the natural landform, and ~~where feasible and~~ compatible with view protection. All development shall be designed and sited so as to be subordinate to preservation of the rural agricultural and wetland character of the surrounding rolling hill landscape.

Relation to Coastal Act: Section 30251

Effect on Development: Scenic coastal areas afforded view protection include the wetlands of the ~~Pajaro Valley~~ Watsonville Slough complex visible from or across Areas A, B, and C. Underground placement of utilities and hillside reforestation are existing requirements of the City's Conservation Element and support the preservation of visual resources.

B. Implementation Plan Modifications

(1) Modify IP Section 9-5.705(f)(3) ("Policy II.B, Coastal Visual Resources") as follows:

(3) Policy II.B, Coastal Visual Resources. New development shall be sited and designed to protect views of scenic coastal areas; in particular, this requirement shall apply to the seaward views from State Route 1, across the wetlands and associated riparian areas of the Watsonville Slough Complex and along the Pajaro River. These existing scenic views of natural habitat and agricultural croplands shall be protected through all appropriate measures, including but not limited to:

(i) Where feasible, new structures shall be hidden from Highway 1; otherwise such development shall be screened through planting and permanent upkeep of appropriate tree species (such as native live oak which will provide, upon maturity, complete vegetative screening on a year-round basis);

(ii) All utilities (including but not limited to electrical power, telephone and cable television service connections; utility meters, electrical panels, and transformers) in new development shall be placed underground;

(iii) Advertising and commercial ~~sighs~~ signs that ~~which~~ would block views from Highway 1 and/or other coastal zone roads to the wetland and riparian and other environmentally sensitive habitat areas shown on LUP Figure~~.~~ 2, shall not be allowed. All signs shall be designed to be consistent with the architectural character of the development, designed to be an integral part of the landscape area, and compatible with the character of the surrounding scenic rural lands. Plastic shall not be used as a sign material. Sign illumination, where necessary, shall be the minimum required and shall be designed to avoid off-site glare.

(iv) Land divisions and/or lot line adjustments that would result in increased visibility of future development due to the configuration of the new parcels as seen from Highway One and/or other coastal zone roads shall be prohibited.

(v) Minimize alterations of the natural landform through avoidance of grading visible from Highway One and/or other coastal zone roads. Where grading visible from Highway One and/or other coastal zone roads cannot be avoided, such grading shall blend the contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance. Retaining walls that protrude above the level of finished grade and that would be visible from Highway One and/or other coastal zone roads shall not be allowed.

(vi) All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape, except that no design changes that would entail a new approval from the State Architect are required. Compatible design shall be achieved

through the use of: utilitarian design features; roofs pitched above horizontal; low-slung buildings separated by open spaces to break up visual massing; large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns; large structures broken down into smaller building elements (rather than long continuous forms); and second story building elements setback from the first story exterior. Large box-like designs, large unbroken roof lines, and/or large flat surfaces lacking architectural treatment shall not be allowed. All exterior finishes shall consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding). All required fencing shall be rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar) with the exception that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from development.

(vii) All non-agricultural development shall include landscaping (for all areas not covered with structures) with only native plant species characteristic or indigenous to the immediate surrounding area that evoke the sense of rolling rural area. Such landscaping shall include a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, and consistent with a transition to the natural landform. All landscaping shall provide for screening vegetation fronting any structures that are visible from Highway One and/or other coastal zone roads. These landscape requirements shall be implemented through a landscape plan that, at a minimum, shall specify that: (a) all plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the plans; (b) landscaping will be kept free of weeds and invasive non-natives (such as acacia, pampas grass, and scotch broom) and shall require the removal of any such invasive non-natives that are already present on the site; (c) all landscaping will be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. The irrigation system shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

Mod 9. Non-Point Source Polluted Runoff

Ensure that polluted runoff is adequately controlled and water quality adequately preserved so that the biological productivity of coastal water resources are maintained. Clarifies and implements Land Use Plan Policy II.D.4.

A. Land Use Plan Modifications

(1) Modify LUP Policy II.D.4(c) ("Policies Affecting All Areas, Environmentally Sensitive Habitat Areas and Water Resources") as follows:

(c) Runoff from all impervious surfaces and from all areas subject to vehicular traffic shall be collected and disposed of in a way which does not result in soil erosion or degradation of water

quality. Drainage systems shall be designed to accommodate runoff from at least a 25-year storm. ~~(Proposed sedimentation, erosion and runoff standards are presented in~~ All requirements of Land Use Plan Appendix D ("Erosion Sedimentation and Runoff Controls") shall be implemented.~~)~~

(2) Add new LUP Policy II.D.4(d) ("Policies Affecting All Areas, Environmentally Sensitive Habitat Areas and Water Resources") as follows:

(d) All development shall incorporate structural and non-structural Best Management Practices (BMPs). BMPs are methods for controlling, preventing, reducing, or removing typical runoff pollutants. BMPs generally fall into two categories: source control BMPs and treatment BMPs. Source control BMPs are designed to reduce or eliminate the introduction of pollutants into runoff (e.g., regular sweeping/vacuuming of vehicle parking areas). Treatment BMPs are designed to remove pollutants from runoff (e.g., silt fences to trap sediments at construction sites). In order of priority, all development shall: first, limit impervious surfacing and pollutant loading through good site planning; second, reduce pollutant loads through source control; and third, reduce pollutant loads through treatment controls (where appropriate).

B. Implementation Plan Modifications

(1) Add new IP Section 9-5.705(f)(8) ("Polluted Runoff Controls") as follows:

(8) Polluted Runoff Controls. All development shall incorporate structural and non-structural Best Management Practices (BMPs). BMPs are methods for controlling, preventing, reducing, or removing typical runoff pollutants. BMPs generally fall into two categories: source control BMPs and treatment BMPs. Source control BMPs are designed to reduce or eliminate the introduction of pollutants into runoff (e.g., regular sweeping/vacuuming of vehicle parking areas). Treatment BMPs are designed to remove pollutants from runoff (e.g., silt fences to trap sediments at construction sites). In order of priority, all development shall: first, limit impervious surfacing and pollutant loading through good site planning; second, reduce pollutant loads through source control; and third, reduce pollutant loads through treatment controls (where appropriate). All development is subject to the following requirements, and shall at a minimum, include the following components:

(a) BMPs shall be designed to filter and/or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to its discharge to a storm water conveyance system, with the exception that more resource-protective runoff filtration and/or treatment standards for any specific coastal zone Area shall not be superceded;

(b) Post-development peak runoff rates and volumes shall be maintained at levels similar to pre-development conditions;

(c) All runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic or parking shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates, or shall be filtered through an

engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;

(d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips shall be maximized where geotechnical concerns would not otherwise prohibit such use;

(e) Structural BMPs, other than vegetated strips consistent with a biological restoration plan, shall be placed outside of environmentally sensitive habitat buffer areas;

(f) All development shall include Erosion Control Plans which clearly identify all BMPs to be implemented during construction and their location. Such plans shall contain provisions for specifically identifying and protecting all nearby storm drain inlets and natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, block and gravel filters, drop-inlet sediment traps, etc.) to prevent construction-related runoff and sediment from entering into these storm drains or natural drainage areas which ultimately deposit runoff into the Watsonville Slough System and/or the Pacific Ocean. Silt fences, or equivalent apparatus, shall be installed at the perimeter of all construction sites. Except for the ESHA east of the farm road on Area C, no construction activity of any kind shall take place within 100 feet of any environmentally sensitive habitat areas, or outside of the development envelope shown on Land Use Plan Figure 2. At a minimum, Erosion Control Plans shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, restricting grading and earthmoving during the rainy season.

All Erosion Control Plans shall make it clear that: (a) dry cleanup methods are preferred whenever possible and that if wet cleanup is necessary, all runoff will be collected to settle out sediments prior to discharge from the site; all de-watering operations must require filtration mechanisms; (b) off-site equipment wash areas that provide containment and filtration of debris and wastewater are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment should not be allowed; in any event, wash water shall not be allowed to enter storm drains or any natural drainage; (c) concrete rinsates shall be collected and shall not be allowed into storm drains or natural drainage areas; (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day;

(g) All parking lot areas, driveways, and other areas vehicular traffic areas on site shall be

swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spots shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system (if available). All permitted uses shall have on-site appropriate spill response materials (such as booms, absorbents, rags, etc.) to be used in the case of accidental spills;

(h) All outside storage areas and loading areas shall be graded and paved and either: (1) surrounded by a low containment berm; or (2) covered. All such areas shall be: (1) equipped with storm drain valves which can be closed in the case of a spill; or (2) equipped with a wash down outlet to the sanitary sewer (if available);

(i) All restaurants and/or food service uses shall include a plumbed wash-down area (either inside or out) connected to the sanitary sewer (if available);

(j) All BMPs shall be permanently operated and maintained. At a minimum:

(1) All BMP traps/separators and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all BMP traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year;

(2) Debris and other water pollutants removed from BMP device(s) during clean-out shall be contained and disposed of in a proper manner; and

(3) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the City of Watsonville Public Works Department no later than June 30th of each year.

(2) Add new IP Section 9-5.864 ("Typical Runoff Pollutants" definition) as follows:

Sec. 9-5.864. Typical Runoff Pollutants.

Typical runoff pollutants describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables.

Mod 10. Coastal Development Permit Extensions, Amendments, Emergencies, and Appeals

Ensure that any coastal development permit extensions and amendments are reviewed for consistency with the LCP, and to clarify which type of projects are appealable to the Coastal Commission.

A. Implementation Plan Modifications

(1) Modify IP Section 9-5.413(b) ("Extension of Permits") as follows:

Extension of Coastal Permits. Any coastal permit may be extended for an additional period not to exceed one (1) year by the body which approved the permit. A public hearing duly noticed pursuant to the noticing requirements of Sections 9-5.404 through 9-5.408 shall be held to consider the extension. The extension request may be granted only if the reviewing body determines that there are no changed circumstances that may affect the consistency of the development with the Local Coastal Program. Notice of the reviewing body's determination of changed circumstances shall be provided consistent with the provisions of Section 9-5.412.

The determination of whether or not changed circumstances exist shall be appealable to the Coastal Commission as described in Section 9-5.410 for the following coastal permit extension requests: (a) if the original coastal permit was appealable to the Coastal Commission; or (b) if the development authorized by the original coastal permit would be appealable pursuant to Section 9-5.410 at the time the extension request is received by the City.

If the reviewing City body, or the Coastal Commission on appeal, determines that changed circumstances exist that may affect the consistency of the development with the Local Coastal Program, then the extension request shall be denied and the development shall be set for a full public hearing on the development as if it were a new application. In such a case, the Applicant shall not be required to file a new coastal permit application, but instead shall submit any information that the City, or the Executive Director of the Coastal Commission if on appeal, deems necessary to evaluate the effect of the changed circumstances.

Any extension applied for prior to the expiration of the coastal permit shall automatically extend the time for commencement of development until such time as the reviewing body has acted upon the coastal permit extension request. The Applicant shall not undertake development during the period of automatic extension.

(2) Modify IP Section 9-5.413(d) ("Modifications") as follows:

Modifications. The Zoning Administrator shall refer any request for modifications to an approved ~~project~~ coastal permit to the decision-making body that approved the coastal permit. A public hearing duly noticed pursuant to the noticing requirements of Sections 9-5.404 through 9-5.408 shall be held prior to modifying an approved coastal permit. Notice of the reviewing body's action on the request for modifications shall be provided consistent with the provisions of Section 9-5.412.

Any action on a coastal permit modification request shall be appealable to the Coastal Commission as described in Section 9-5.410 for the following coastal permit modification requests: (a) if the original coastal permit was appealable to the Coastal Commission; (b) if the development authorized by the original coastal permit would be appealable pursuant to Section 9-5.410 at the time the modification request is received by the City; or (c) if the modification requested is such that the proposed modified project would be appealable pursuant to Section 9-5.410.

A modification request may be granted only if the reviewing body, either the City or the Coastal Commission if on appeal, determines that: (a) the proposed modification would not lessen or avoid the intended effect of the approved coastal permit; and (2) the modified project would be consistent with the Local Coastal Program. If the modification request is denied by the City, or by the Coastal Commission if on appeal, then the terms and conditions of the original coastal permit shall remain in effect.

A request for modification shall not stay the expiration date of the coastal permit for which the modification is requested.

(3) Modify IP Section 9-5.410(b)(1)(ii) ("Appeals to Coastal Commission") as follows:

(ii) Any major public works project or major energy facility~~. The phrase "major public works project or major energy facility" is the same as used in Public Resources Code Section 30603(a)(5) and these regulations shall mean any proposed public works project as defined by Section 13012 of the Coastal Commission Regulations or "energy facility" as defined by Public Resources Code Section 30107 and exceeding $50,000 in estimated cost of construction.~~ where:

(a) "Major public works" means any of the following that cost more than one hundred thousand dollars ($100,000) with an automatic increase in accordance with the Engineering News Record Construction Cost Index:

(1) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

(3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(4) All community college facilities.

(b) Notwithstanding the criteria in (a), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

(c) "Major energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars ($100,000) with an automatic increase in accordance with the Engineering News Record Construction Cost Index.

(4) Modify IP Section 9-5.304 ("Exemptions" [from coastal permit requirements]) as follows:

(q) Sidewalks and Bikeways. Maintenance, repair and construction of all sidewalks and bikeways within public rights-of-way, except for new construction beyond the developed edge of the roadway or within sensitive habitat areas.

(r) Special events. Except where the event will be of a different use and/or greater intensity than the permitted development where it is to be held or where the City determines that the event has the potential to:

(1) Either individually or together with other temporary events scheduled before or after the particular event precludes the general public from use of a public recreational area for a significant period of time;

(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; or

(3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking area or otherwise significantly impact public use or access to coastal waters.

(5) Modify IP Section 9-5.411(f) ("Emergency Permits") as follows:

The Planning Director may grant an emergency permit based upon reasonable terms and conditions, including language indicating that the work accomplished under an emergency permit is considered temporary unless a regular permit is issued for the work, an expiration date and the necessity for a regular permit application later…